

Council Members

District 1: Terry Graham
District 2: Charlene McGriff, Vice-Chair
District 3: Billy Mosteller
District 4: Larry Honeycutt, Secretary
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

October 12, 2020

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720

AMENDED AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Billy Mosteller**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
 - a. Announcement of the 2020 Lancaster County Economic Development and Chamber of Commerce Small Industry of the Year Award - Presented to Horton Machine
 - b. Announcement of the 2020 Lancaster County Economic Development and Chamber of Commerce International Industry of the Year Award - Presented to Central Wire
 - c. Update from the Health and Wellness Commission - Presented by Irini Guda McCarthy, Commission Chair, and Chris Bundrick, Commission Vice-Chair
 - d. Pending Projects Update for New Construction and Major Renovation Projects - Kelvin Alexander
6. **Citizens Comments**

[While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, email at ssimpson@lancastersc.net or by using the following link on our website where you can submit Citizens Comments online (look for the link on the right hand side of the page) - <https://www.mylancastersc.org/index.asp?SEC=DF11C6C4-BC53-4CD5-8A07-0847EAA1F478> Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

7. Consent Agenda

[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

- a. Approval of Minutes from the September 28, 2020 County Council Regular Meeting
- b. 2nd Reading of Ordinance 2020-1687 regarding Incentive Ordinance and Agreement for ClickFold
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Among Lancaster County, Proplastics Designs, Inc. And ClickFold Holdings, LLC (D/B/A ClickFold Plastics) Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - **Passed 7-0 at the September 28, 2020 County Council Meeting. - Jamie Gilbert**

8. Non-Consent Agenda

- a. Public Hearing and 1st Reading of Ordinance 2020-1688 regarding Amending the Unified Development Ordinance (UDO) regarding Use Regulations for Residential Care Facilities
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance Chapters 5.2.8 And 10.3 To Modify The Use Regulations For Residential Care Facilities, To Amend The Definition For Residential Care Facilities, And Add A New Definition For Independent Living Facilities. - **Planning Department Case Number: UDO-TA-020-1898. Planning Commission recommended approval by a vote of 6-0. - Rox Burhans**
- b. Public Hearing and 1st Reading of Ordinance 2020-1689 regarding Rezoning Property from RN to MDR (Applicant Carolina Ventures 1, LLC)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 155 Acre, More Or Less, Tract Of Property TMS No. 0019-00-027.01, Owned By E. Martin, Mary Heath Tinsley And Sarah Purvis Williams; TMS No. 0019-00-029.00, Owned By Robert D. Wilson Trust; TMS No. 0019-00-035.00, Owned By Helen W. Davis; Portion Of TMS No. 0019-00-025.00, Owned By Olin S. Wilson; And Portion Of TMS No. 0019-00-027.02, Owned By Robert L. And Phyllis W. Patton, And Located On The East Side Of Van Wyck Road And North Of The Tree Tops Residential Development, Indian Land, South Carolina, From RN, Rural Neighborhood District, To MDR, Medium Density Residential District. - **Planning Department Case Number: RZ-020-1750. Planning Commission recommended denial by a vote of 6-0. - Rox Burhans**
- c. Public Hearing and 1st Reading of Ordinance 2020-1680 regarding Rezoning Property Owned by Mark Haldeman From LDR to MDR
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 14.6 Acre Tract Of Property (TMS # 0002-00-008.00), Owned By Mark Haldeman, And Located On The West Side Of Harrisburg Road, Approximately 155 Feet North Of Lancashire Drive, Indian Land, South Carolina, From LDR, Low Density Residential District, To MDR, Medium Density Residential District. - **Planning Department Case Number: RZ-020-1895. Planning Commission recommended approval by a vote of 6-0. - Rox Burhans**
- d. 1st Reading of Ordinance 2020-1692 regarding Synergy Steel Fee Agreement Amendment to Include Syntech Design
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of The Second Amendment To Special Source Revenue Credit Agreement, By And Between Lancaster County And Synergy Steel Holdings, Inc. And Entities Related To Synergy Steel Holdings, Inc., So As To, Among Other Things, Add Syntech Design, LLC As A Party To The Special Source Revenue Credit Agreement. - **Jamie Gilbert**
- e. Resolution 1115-R2020 regarding Approval of Designation of Ivadale Farms, LLC as a Sponsor Affiliate Under the Fee Agreement with Crown Solar Center, LLC

Resolution Title: A Resolution To Approve The Crown Solar Center, LLC Designation Of Ivadale Farms, LLC, As A Sponsor Affiliate Under That Certain Fee Agreement By And Among Lancaster County, South Carolina, And Crown Solar Center, LLC, As Sponsor, Dated As Of April 8, 2019. - **Steve Willis**

- f. Resolution 1118-R2020 regarding Authorization for the Planning Commission to Conduct Studies and Recommend a Capital Improvement Plan and Impact Fee

Resolution Title: A Resolution Authorizing The Lancaster County Planning Commission To Conduct Studies And Recommend A Capital Improvement Plan And Impact Fee - **Alison Alexander**

- g. Resolution 1117-R2020 regarding Authorization of the Roselyn Residential Improvement District and the Roselyn Improvement Plan

Resolution Title: A Resolution Describing And Authorizing The Roselyn Residential Improvement District And The Roselyn Improvement Plan To Be Effected Thereby, The Projected Time Schedule For The Accomplishment Of The Roselyn Improvement Plan, The Estimated Cost Of The Improvements And The Amount Of Such Costs To Be Derived From Assessments Or Other Funds; Setting Forth The Proposed Basis And Rates Of Assessments To Be Imposed Within The Roselyn Improvement District; Ordering A Public Hearing; And Other Matters Related Thereto. - **(Positive Recommendation - Infrastructure and Regulation Committee). - Steve Willis**

- h. 1st Reading of Ordinance 2020-1691 regarding Authorization of the Creation of the Roselyn Residential Improvement District

Ordinance Title: An Ordinance Authorizing The Creation Of The Roselyn Residential Improvement District; Approving And Authorizing The Implementation Of The Improvement Plan; Providing For The Financing Of Improvements Within The Roselyn Improvement District By Assessment, Issuance Of Bonds, Or Other Revenues As Herein Described; Approving An Assessment Roll And Providing Notice Thereof; And Other Matters Relating Thereto. - **(Positive Recommendation - Infrastructure and Regulation Committee). - Steve Willis**

- i. Resolution 1116-R2020 regarding Authorization of the Harris Mill Residential Improvement District and the Harris Mill Improvement Plan

Resolution Title: A Resolution Describing And Authorizing The Harris Mill Residential Improvement District And The Harris Mill Improvement Plan To Be Effected Thereby, The Projected Time Schedule For The Accomplishment Of The Harris Mill Improvement Plan, The Estimated Cost Of The Improvements And The Amount Of Such Costs To Be Derived From Assessments Or Other Funds; Setting Forth The Proposed Basis And Rates Of Assessments To Be Imposed Within The Harris Mill Improvement District; Ordering A Public Hearing; And Other Matters Related Thereto. - **(No Recommendation - Infrastructure and Regulation Committee). - Steve Willis**

- j. 1st Reading of Ordinance 2020-1690 regarding Authorization of the Creation of the Harris Mill Residential Improvement District

Ordinance Title: An Ordinance Authorizing The Creation Of The Harris Mill Residential Improvement District; Approving And Authorizing The Implementation Of The Improvement Plan; Providing For The Financing Of Improvements Within The Harris Mill Improvement District By Assessment, Issuance Of Bonds, Or Other Revenues As Herein Described; Approving An Assessment Roll And Providing Notice Thereof; And Other Matters Relating Thereto. - **(No Recommendation - Infrastructure and Regulation Committee). - Steve Willis**

9. **Discussion and Action Items**

- a. Approval of Appointments to Various Boards and Commissions

- Kirk Johnston, Park Manager at Andrew Jackson State Park, to serve on the Olde English District Commission for a 2nd term that will expire on 06/30/2023

- b. Information Only for Grant from Center for Tech and Civic Life - Steve Willis

- c. Parking Lot at Kershaw Branch Library - Steve Willis
- d. Expenses for Animal Shelter - Steve Willis

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

- a. HELD - Public Hearing and 3rd Reading of Ordinance 2019-1626 regarding Authorization of a Fee Agreement with Project Dumping
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Dumping Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; To Authorize A Ten-Year Extension Of The Term Of An Existing Fee Agreement; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 7-0 at the November 12, 2019 County Council Meeting. Passed 6-0 at the November 25, 2019 County Council Meeting. - Jamie Gilbert***
- b. HELD - Public Hearing and 3rd Reading of Ordinance 2020-1679 regarding Authorization of a Fee Agreement between Lancaster County and Crossridge Center, LLC
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Crossridge Center, LLC, Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***(Positive Recommendation - Administration Committee). Passed 7-0 at the August 10, 2020 County Council Meeting. Passed 7-0 at the August 24, 2020 County Council Meeting. - Jamie Gilbert***

11. Miscellaneous Reports and Correspondence

12. Citizens Comments

[If Council delays until end of meeting]

13. Executive Session

- a. Two Items:
 - 1. ***Economic Development Discussions: Project Mussel and Project Smith. SC Code 30-4-70(a)(5).***
 - 2. ***Briefings on two Pending or Threatened Litigation Matters. SC Code 30-4-70(a)(2).***

14. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Kelvin Alexander/Facilities Project Manager; Cathy McDaniel/Procurement Director

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

This information is provided to Council as an update regarding the County's ongoing construction projects.

Points to Consider:

N/A

Funding and Liability Factors:

The funding and liability factors vary by project.

Council Options:

N/A

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Pending Projects Update 10.20	10/6/2020	Backup Material
Soccer Complexes Update 10.12.2020	10/6/2020	Backup Material

Construction Project Status Update

*October 12, 2020 County Council Meeting
Prepared October 2, 2020*

UNDER CONSTRUCTION

- **Public Library System**

Main Library - Work is progressing on the interior renovations and meeting room addition. There have been minor delays due to weather, materials, and unforeseen circumstances. Overall completion is scheduled for mid-January.

Del Webb - Interior work is progressing on the meeting room addition. A brick was located to more closely matches the existing building. Networking will be completed for the existing library areas when the meeting room addition nears completion, as the new IT equipment room is located in the addition. Substantial construction completion is scheduled for mid-October.

Kershaw – The meeting room addition is almost complete. Exterior work is progressing. Windows have been ordered. Seal and striping of the parking lot was scheduled for mid-October, but Council will be presented with an alternative to pave the lot at the October 12th Council meeting. Landscaping will follow the parking lot work. Substantial construction completion is scheduled for late October.

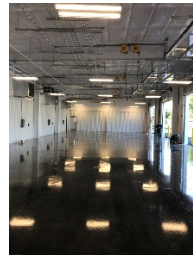
- **Animal Shelter**

- The Dog Kennels were received from the manufacturer & installation began October 5, 2020. The animal shelter staff have taken control of the building and have begun doing surgeries in the building. Complete move-in will take place in mid-October.



- **EMS Substation 4/9 - Old Bailes Road**

- The thresholds and trench drain were installed. The additional construction will be paid for by the Architect and Engineering firms. Kelvin Alexander visited the site during a rain storm and saw the storm water is properly flowing into the drain.



- **EMS HQ**

- Plan were approved, and the bid package will be advertised to general contractors by the Council meeting.

Springs Boat Landing (Duke)

- The fishing pier construction is almost complete. Concrete sidewalks have been installed. The proof roll passed and asphalt paving is complete. We had a substantial completion walk though on 9-29-20. The contractor is touching up landscaping and outdoor furniture installation. The final walk through will be completed mid-October.



IN DESIGN PHASE

- **Soccer Fields – *separate schedule attached***

- **Heath Springs** – The construction permit set drawing details ongoing. Drawings are beyond 95% complete. They are scheduled to be submitted to the Lancaster County Development services in Mid-October. (*site rendering attached*)
- We anticipate construction bidding in late fall, and construction to begin 2021.



1 SOUTHWEST PERSPECTIVE
SCALE: 1/16" = 1'-0"

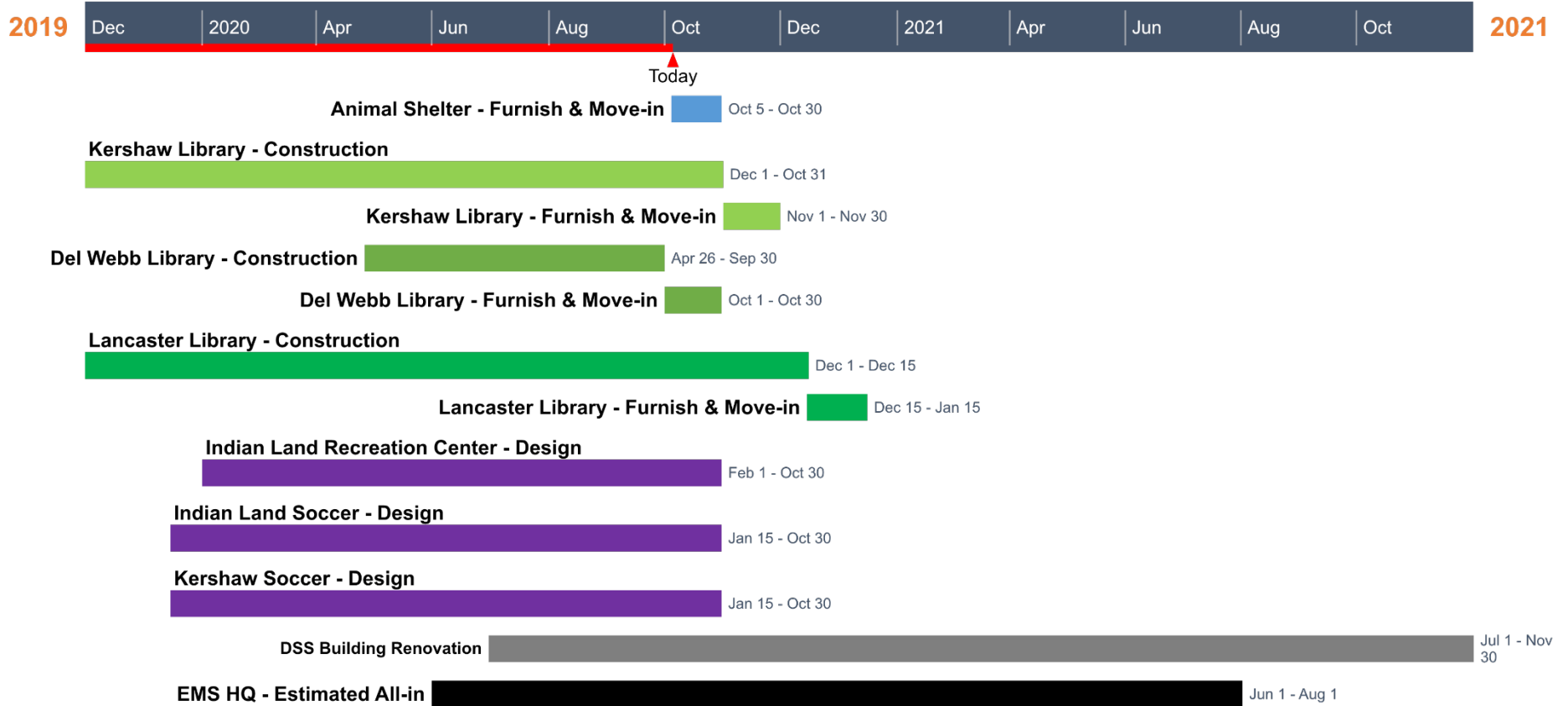


Indian Land - The construction permit set drawing details ongoing. Drawings are beyond 95% complete. They are scheduled to be submitted to the Lancaster County Development services in Mid-October. (*site rendering attached*)

We anticipate construction bidding in late fall, and construction to begin 2021.

- **Indian Land Recreation Center Renovations**
 - The design development phase & construction documents is underway. This will place bidding in winter, and construction in 2021.
- **DSS Building**
 - Design is being finalized for submittal, and it will be sent out to bid.
- **Barnett Complex**
 - Due to anticipated growth in the number of voting machines, several walls will be removed prior to the move to create a larger storage area. Voter Registration and Elections will move after this work is complete.

Lancaster County Capital Projects



October 2, 2020

Lancaster County Indian Land & Heath Spring Soccer Complexes



Project Schedule Update

October 1, 2020



Date	Description
4/12/2020	Surveys completed in February/March; Two concepts created for each Soccer Complex during March; Project Team selects one Master Plan for each Soccer Complex by mid-April.
4/23/2020 – 5/7/2020	Schematic Design Documents submitted to the Project Team for Indian Land on April 23 rd and Heath Springs on May 7 th .
6/11/2020	Design Development Documents submitted to the Project Team for both Soccer Complexes.
7/29/2020	65% Construction Documents for both Soccer Complexes submitted to the Project Team.
9/17/2020	95% Construction Documents for both Soccer Complexes submitted to the Project Team.
Mid-October	Submitting for Permit Review to Lancaster County, SC Development Services
Mid-October through Mid/End-December	The County's Technical Review Committee responsible for permitting construction/building plans has a window of 21-30 days for their first review; 15 days for the TRC's second review
TBD	Out to Bid through Procurement, Bid process take +/- 45 days
TBD	Construction

Rendered Site Plan



Key

- (A) Park Entrance & Parking Lot**
 - Monument Signage
 - +/- 140 Parking Spaces
 - Street, Buffer and Perimeter Landscaping
 - Permeable Pavers
 - Stormwater Dry Detention Basin
- (B) Community Plaza**
 - Restroom/Concession/Storage Building with infrastructure for a Future Second Building
 - Playground w/ Ornamental Fence
 - Site Furnishings
 - Shelter
- (C) Multi-Sport Field Complex**
 - Two 225' x 360' Synthetic Soccer Fields with Baseball Infields
 - Portable Fencing for Baseball
 - Field & Shelter Signage
 - Shelter/ Maintenance Area
 - Perimeter Walking Trail
 - Stormwater Dry Detention Basin

Rendered Site Plan



- ## Key
- A** Park Entrance & Parking Lots
 - Monument Signage
 - +/- 140 Parking Spaces
 - Street, Buffer and Perimeter Landscaping
 - Walking Trail
 - Frontage Sidewalk at Harrisburg Road
 - Stormwater Dry Detention Basin
 - B** Community Plaza
 - Restroom/ Concession/ Storage Building with Outdoor Seating
 - Playground w/ Ornamental Fencing
 - Site Furnishings
 - Large Shelter
 - Potential Food Truck Area in Plaza
 - C** Multi-Sport Field Complex
 - Two 160' x 300' Synthetic Soccer Fields
 - Central Spectator Bleachers
 - Field Signage

Lancaster County

Indian Land & Heath Spring

Soccer Complexes



Project Schedule Update

October 1, 2020



Date	Description
4/12/2020	Surveys completed in February/March; Two concepts created for each Soccer Complex during March; Project Team selects one Master Plan for each Soccer Complex by mid-April.
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Rendered Site Plan



- ## Key
- A** Park Entrance & Parking Lot
 - Monument Signage
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 - Stormwater Dry Detention Basin
 - B** Community Plaza
 - Restroom/Concession/Storage Building with infrastructure for a Future Second Building
 - Playground w/ Ornamental Fence
 - Site Furnishings
 - Shelter
 - C** Multi-Sport Field Complex
 - Two 225' x 360' Synthetic Soccer Fields with Baseball Infields
 - Portable Fencing for Baseball
 - Field & Shelter Signage
 - Shelter/ Maintenance Area
 - Perimeter Walking Trail
 - Stormwater Dry Detention Basin

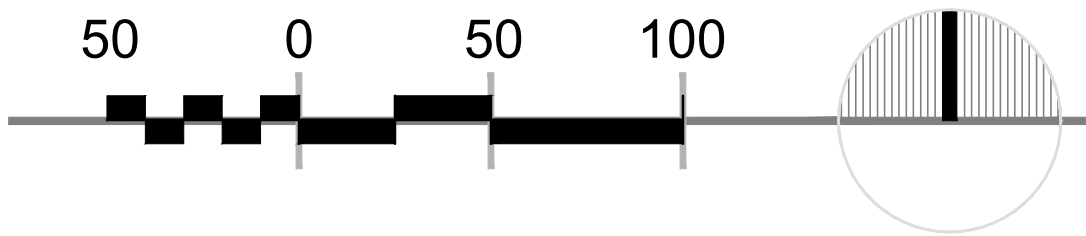
Restroom/Concession Building Rendering



Rendered Site Plan



- ## Key
- A** Park Entrance & Parking Lots
 - Monument Signage
 - +/- 140 Parking Spaces
 - Street, Buffer and Perimeter Landscaping
 - Walking Trail
 - Frontage Sidewalk at Harrisburg Road
 - Stormwater Dry Detention Basin
 - B** Community Plaza
 - Restroom/ Concession/ Storage Building with Outdoor Seating
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 - Large Shelter
 - Potential Food Truck Area in Plaza
 - C** Multi-Sport Field Complex
 - Two 160' x 300' Synthetic Soccer Fields
 - Central Spectator Bleachers
 - Field Signage



Restroom/Concession Building Rendering



Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Approve or amend the minutes from the September 28, 2020 County Council regular meeting.

Points to Consider:

The draft minutes from the September 28, 2020 County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 9-28-2020 County Council Regular Meeting	9/30/2020	Backup Material

Council Members

District 1: Terry Graham
District 2: Charlene McGriff, Vice-Chair
District 3: Billy Mosteller
District 4: Larry Honeycutt, Secretary
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

September 28, 2020

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

MINUTES

Council Members present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller.

Council Members absent: None

Staff Members/Others present: Steve Willis, County Administrator; Alison Alexander, Deputy County Administrator; Tommy Morgan, Acting County Attorney; Sherrie Simpson, Clerk to Council; Veronica Thompson, Chief Financial Officer; Jamie Gilbert, Economic Development Director; Darren Player, Fire/Emergency Services Director; Sheriff Barry Faile, Lancaster County Sheriff's Office; Hal Hiott, Parks and Recreation Director; Rita Vogel, Library Director; Jeff Catoe, Public Services Director; various staff; the press; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time.

Call to Order Regular Meeting - Chairman Steve Harper

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

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Charlene McGriff

Council Member Charlene McGriff led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. Motion Passed 7-0.

Special Presentations

Hal Hiott, Director of Lancaster County Parks and Recreation, recognized Sammy Macey for winning the Champion For Our Community Award in the Population over 30,000 Category at the South Carolina Recreation and Parks Association Conference.

Hal Hiott, Director of Lancaster County Parks and Recreation, recognized the Back to School Bash for winning the Programming Excellence Award in the Population over 30,000 Category at the South Carolina Recreation and Parks Association Conference.

Hal Hiott, Director of Lancaster County Parks and Recreation, recognized Katherine Small for winning the SCRPA Young Professional of the Year Award at the South Carolina Recreation and Parks Association Conference.

The Honorable Mandy Powers Norrell presented Gina Taylor with a Proclamation recognizing OverDose Awareness Day.

Citizens Comments

The following citizens provided written comments for Citizens Comments: None.

The following citizens signed up for and spoke during Citizens Comments:

1. Jim Mertes, Indian Land, SC, regarding funding for the Indian Land Fall Festival.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a**. *[as listed in the Agenda packet, which is the same as Item a. listed below]*. Seconded by Larry Honeycutt. Motion Passed 7-0.

a. Approval of Minutes from the September 14, 2020 County Council Regular Meeting

Non-Consent Agenda

Resolution 1110-R2020 regarding Authorization of Funds for the Purchase of Equipment for the Detention Center

Resolution Title: A Resolution By Lancaster County Authorizing The Expenditure Of Funds For The Purchase of Equipment Necessary For The Safety Of Lancaster County Sheriff's Office Personnel And Inmates Of The Detention Center.

Brian Carnes moved to approve Resolution 1110-R2020. Seconded by Charlene McGriff. Motion Passed 7-0.

Resolution 1111-R2020 regarding Expressing an Intent to Designate Excess Funds From Decommissioned Fire Apparatus Sale to Assist the Camp Creek Fire Department with Construction of a New Building

Resolution Title: A Resolution Expressing An Intent To Designate Excess Funds From The Sale Of Decommissioned Fire Apparatus To Assist Camp Creek Fire Department In The Construction Of A New Building

Larry Honeycutt moved to approve Resolution 1111-R2020. Seconded by Billy Mosteller. Motion Passed 7-0.

Resolution 1112-R2020 regarding Adoption of the Rock Hill - Fort Mill Area Transportation Study

("RFATS") Collector Road Plan Dated August 2017

Resolution Title: A Resolution To Adopt The Rock Hill - Fort Mill Area Transportation Study ("RFATS") Collector Road Plan Dated August 2017 And To Request And Authorize The Implementation Of The RFATS Collector Road Plan

Terry Graham moved to approve Resolution 1112-R2020. Seconded by Larry Honeycutt. Motion Passed 7-0.

Resolution 1114-R2020 regarding Endorsement of the Recommendations from State Accommodations Tax Advisory Committee

Resolution Title: A Resolution To Endorse The Recommendation Of The State Accommodations Tax Advisory Committee For The Distribution Of Funds In Fiscal Year 2020-2021.

Brian Carnes moved to approve Resolution 1114-R2020. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1113-R2020 regarding an Incentive Resolution for ClickFold

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Special Source Revenue Credit Agreement With Proplastics Designs, Inc. And ClickFold Holdings, LLC (D/B/A ClickFold Plastics), And/Or Their Designee Or Nominee; To Provide The General Terms Of The Special Source Revenue Credit Agreement; And To State The Commitment Of Lancaster County To Place Project Property In A Multi-County Park.

Terry Graham moved to approve Resolution 1113-R2020. Seconded by Charlene McGriff. Motion Passed 7-0.

1st Reading of Ordinance 2020-1687 regarding Incentive Ordinance and Agreement for ClickFold

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Among Lancaster County, Proplastics Designs, Inc. And ClickFold Holdings, LLC (D/B/A ClickFold Plastics) Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2020-1687. Seconded by Brian Carnes. Motion Passed 7-0.

3rd Reading of Ordinance 2020-1686 regarding Amending the Zoning Map of Lancaster County to Rezone 34 Parcels to Bring Them Into Conformity with Current Zoning Regulations

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 34 Parcels To Bring The Parcels Into Conformity With Current Zoning Regulations As Described In The Lancaster County Unified Development Ordinance. The Properties Are Primarily Located Near The Intersection Of Doby's Bridge Road And Charlotte Highway, Fort Mill Highway And Charlotte Highway, And Springdale Road And Williams Estate Drive, Indian Land, South Carolina And The Rezonings Will Be From MX, Mixed-Use, RMX, Residential Mixed-Use, Or IMX, Industrial Mixed-Use To Various Re-zoning Districts.

Terry Graham moved to approve the 3rd Reading of Ordinance 2020-1686. Seconded by Charlene McGriff.

Allen Blackmon moved to amend Ordinance 2020-1686 to conform with the form of the Ordinance attached to the agenda that reflects the removal of additional properties that opted out of the rezoning since the last reading of the ordinance. Seconded by Brian Carnes.

Motion to amend Passed 7-0.

Motion to approve the 3rd Reading of Ordinance 2020-1686 as Amended Passed 7-0.

Discussion and Action Items

Committee Reports:

Charlene McGriff reported that the Administration Committee met on September 15, 2020. The Committee

discussed the following topics: (1) the monthly budget report; (2) the potential donation of property by the Forfeited Land Commission; and (3) the revised Organizational chart.

Larry Honeycutt reported that the Infrastructure and Regulation (I & R) Committee met on September 15, 2020. The Committee discussed the following topics: (1) an update on Steele Hill Road/Tam Lane Extension; (2) a potential recycling center; and (3) the adoption of the Collector Road Study.

Brian Carnes reported that the Public Safety Committee met on September 15, 2020. He noted that two items had already been discussed during the Council meeting and he explained that the Committee discussed two other items during the meeting: (1) a sliding scale for food services at the Detention Center, and (2) a creation of an ordinance establishing parameters for the safe discharge of firearms.

Potential Donation of Property by Forfeited Land Commission

Steve Willis explained that before any property could be donated by the Forfeited Land Commission, the County Attorney would need to seek an Attorney General's opinion to ensure that the County is following the proper procedures. He also noted that due to a new State law, the County may not be able to do anything with any redeemed property from last year's tax sale for up to a year. He explained that if there were no objections, then the County Attorney would move forward with seeking the Attorney General's opinion.

Infrastructure Needs for Library Projects - Steve Willis

Steve Willis explained that because of COVID-19, fundraising efforts were derailed and so the County needed to budget for needed equipment for the three library branches.

Charlene McGriff moved to authorize County staff to proceed with acquiring the needed equipment for the three library branches with funding coming from the Capital Project Sales Tax, in lieu of fundraising, since this was a CPST voter approved project and the funding shall not exceed \$175,000.00. Seconded by Larry Honeycutt. Motion Passed 7-0.

Council and staff discussed the paving of the parking lot at the Kershaw Library branch and whether that should be paid for by Lancaster County, the Town of Kershaw or the contractor. Council asked to look at the details of the parking lot contract and to receive cost estimates for paving the parking lot.

Information Only for Sheriff's Office Highway Safety Grant - Steve Willis/Sheriff Barry Faile

Steve Willis explained that this item was for information only regarding a Highway Safety Grant received by the Sheriff's Office.

Status of items tabled, recommitted, deferred or held

- a. HELD - Public Hearing and 3rd Reading of Ordinance 2019-1626 regarding Authorization of a Fee Agreement with Project Dumping
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Project Dumping Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; To Authorize A Ten-Year Extension Of The Term Of An Existing Fee Agreement; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 7-0 at the November 12, 2019 County Council Meeting. Passed 6-0 at the November 25, 2019 County Council Meeting. - Jamie Gilbert***

This item was not discussed during the Council meeting and was for information only for Council and citizens.

- b. HELD - Public Hearing and 3rd Reading of Ordinance 2020-1679 regarding Authorization of a Fee Agreement between Lancaster County and Crossridge Center, LLC

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Crossridge Center, LLC, Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - *(Positive Recommendation - Administration Committee). Passed 7-0 at the August 10, 2020 County Council Meeting. Passed 7-0 at the August 24, 2020 County Council Meeting. - Jamie Gilbert*

This item was not discussed during the Council meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

- a. Information on the Use of Vac Truck

Steve Willis explained that Council was provided with pictures of the results of the use of a Vac Truck in regards to cleaning clogged pipes. He explained that in the future, the County would need to purchase this type of equipment because it is more cost effective to clean pipes than to replace them.

- b. Update on Impact Fee Study

Alison Alexander reviewed the timeline for the Impact Fee Study.

- c. Information on Work Schedules

Steve Willis reviewed the work schedules for staff due to COVID-19. Council and staff discussed the arrangement in the Register of Deeds office, the number of people allowed in the Register of Deeds office, the appointment schedule for the Register of Deeds office and the Information Technology (IT) work schedule.

Citizens Comments

All citizens were heard during Citizens Comments held at the beginning of the Council meeting.

Executive Session

Two Items:

1. *Economic Development Discussion: Project Pizza. SC Code 30-4-70(a)(5).*
2. *Briefings on two Potential Pending Litigation Matters. SC Code 30-4-70(a)(2).*

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 7:37 p.m., Council went into Executive Session to discuss the following items: (1) one Economic Development matter: Project Pizza, pursuant to South Carolina Code 30-4-70(a)(5); and (2) two legal briefings on Potential Pending Litigation Matters, pursuant to SC Code 30-4-70(a)(2). County Attorney John DuBose joined Council via Conference Call during Executive Session.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:28 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Charlene McGriff moved that the County Attorney be authorized to move forward with the item discussed in Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Terry Graham. Motion to Adjourn Passed 7-0. There being no further business, the Council meeting adjourned at approximately 8:29 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1687

Contact Person / Sponsor: Jamie Gilbert

Department: Economic Development

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

ClickFold Plastics is a twenty-year old designer and manufacturer of custom plastic parts including enclosures, housings, covers and panels that will be locating and expanding its operations to Indian Land. The Lancaster County Department of Economic Development (LCDED) began working with the company in April 2020 on a location that will allow the company to construct and own a new 15,000 square foot manufacturing facility that will employ 21 associates. The project will result in ClickFold locating eleven existing jobs and hiring of ten new associates over the next 24 months. All jobs at ClickFold have an hourly wage of at least \$17.00/hour. The project's capital investment will be \$1.5 million.

LCDED assisted ClickFold with a variety of issues including site selection, infrastructure, zoning and park covenants, workforce and incentives. Earlier this month, ClickFold Plastics closed on the purchase of a 2-acre site at Bailes Ridge Corporate Park for their new facility. The company's CEO and Founder, Patrick Oltmanns met with County Council during executive session on September 20, 2020 to give them an overview of the company and project. LCDED discussed with County Council recommended property tax incentives for the project based on its job creation, wage rates and investment.

LCDED's recommendation is that ClickFold Plastics' location and expansion to Lancaster County receive a 10 Year Special Source Revenue Credit (SSRC) against their annual ad valorem taxes. The SSRC would be 75% annually in Years 1-3 and 40% annually in Years 4-10. ClickFold Plastics will have an agreed upon number of jobs annually at the facility in order to receive the full credit. If the job numbers are less than agreed upon, the SSRC will be prorated.

Points to Consider:

- ClickFold is a well-established and very successful small business.
- The project will bring well-paying manufacturing jobs (\$17.00/hour and higher) to Lancaster County.
- Patrick Oltmanns, ClickFold's CEO and Founder, is respected and visionary entrepreneur who will be a great addition to Lancaster County's business community.
- ClickFold supports apprenticeship opportunities at the company, which could be beneficial to Indian Land High School Students.
- The strength of Lancaster County's economy has been in manufacturing and we are seeing a resurgence in interest from manufacturers of all sizes but in particular small and medium size ones. These businesses combine to form a strong and diverse manufacturing sector that can help insulate and soften the impact of economic downturns.
- COVID-19 is having a negative impact on Lancaster County's unemployment rate and the new jobs ClickFold will bring will be helpful in addressing employment needs.
- The recommended incentives are consistent with Lancaster County's incentive guidelines for projects.

Funding and Liability Factors:

- There are no funding or liability factors associated with the project or recommended incentives.
- The recommended property tax reductions for the project do not affect current property tax revenue stream, as it is all new investment.

Council Options:

The Lancaster County Council can vote to approve the ordinance as submitted, amend the ordinance and approve it, table the ordinance for a future meeting if there are any unresolved issues or reject the ordinance.

Recommendation:

LCDED recommends the Lancaster County Council approve the ordinance as submitted.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1687	9/21/2020	Ordinance
Exhibit A to Ordinance 2020-1687 - Special Source Revenue Credit Agreement	9/22/2020	Agreement

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2020-1687**

AN ORDINANCE

TO AUTHORIZE THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND AMONG LANCASTER COUNTY, PROPLASTICS DESIGNS, INC. AND CLICKFOLD HOLDINGS, LLC (D/B/A CLICKFOLD PLASTICS) PROVIDING FOR SPECIAL SOURCE REVENUE CREDITS; AND TO EXPRESS THE INTENTION OF COUNCIL TO PROVIDE MONIES TO THE ECONOMIC DEVELOPMENT FUND.

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

Section 1. Findings and Determinations.

The Lancaster County Council finds and determines that:

(a) Lancaster County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorized and empowered to establish a multicounty park ("MCP") pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina, and also authorized to provide special source revenue credits ("SSRCs") pursuant to Sections 4-1-170, 4-1-172, 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended (the "MCP Act") against fee-in-lieu of tax ("FILOT") payments ("FILOT Payments") made pursuant to the MCP Act to reimburse a project for the costs of designing, acquiring, constructing, improving, or expanding (i) infrastructure serving the project, or (ii) improved or unimproved real estate and personal property, including machinery and equipment used in the operation of a manufacturing or commercial enterprise, through which powers the industrial development of South Carolina and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in South Carolina and the County and thus to utilize and employ the workforce, products, and natural resources of South Carolina to benefit the general public welfare of the County by providing services, employment, and other public benefits not otherwise provided locally;

(b) Proplastics Designs, Inc., and ClickFold Holdings, LLC (d/b/a ClickFold Plastics), on their own or together with one or more of their subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the "Company"), desires to invest capital in the County in order to construct and install one or more facilities in the County (the "Project"), *provided, that*, approvals of various incentives contemplated for the Project are formalized by the State and/or County;

(c) the Project is anticipated to result in an investment of at least \$1,500,000 in real and personal property and the creation of at least twenty-one (21) new, full-time jobs; and

(d) pursuant to Resolution No. 1113-R2020, the Council approved a resolution expressing the intention of Council to, among other things, commit the County to (i) enter into an Special Source Revenue Credit Agreement with the Company under the MCP Act, (ii) provide for SSRCs against the FILOT Payments to be made by the Company, and (iii) locate the Project in an MCP.

Section 2. Additional Findings.

Council makes the following additional findings:

(a) The Project will constitute a “project” as the term is referred to and defined in the MCP Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the MCP Act.

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made.

(c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.

(d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

(e) The purposes to be accomplished by the Project, *i.e.*, economic development and addition to the tax base of the County, are proper governmental and public purposes.

(f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.

(g) The benefits of the Project to the public will be greater than the costs to the public.

Section 3. Approval of Special Source Revenue Credit Agreement.

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

Section 4. Economic Development Fund.

(a) Council finds that (i) by passage of Ordinance No. 2014-1260, Council created an Economic Development Fund with the intent to make monies available to the fund from new revenues to the County derived from new and expanded businesses and industry, and (ii) the ability to make monies available to the Economic Development Fund can be difficult because of complexities and legalities applicable to fee-in-lieu of tax arrangements and multi-county parks.

(b) It is the intent of Council, in the annual County budget, to appropriate monies to the Economic Development Fund based on the new revenue that the County receives pursuant to the SSRC Agreement. Specifically, it is Council’s intent to appropriate from the General Fund of the County an amount based on the following formula: Seven percent (7%) times the amount of money received pursuant to the SSRC Agreement by the County after distribution to other taxing entities in the most recently completed tax year.

Section 5. Authority to Act.

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

Section 6. 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 7. Controlling Provisions.

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

Section 8. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: September 28, 2020
Second Reading: October 12, 2020
Public Hearing: October 26, 2020
Third Reading: October 26, 2020

Approved as to form:

John K. DuBose III, County Attorney

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Exhibit A to Ordinance No. 2020–1687

Special Source Revenue Credit Agreement

See attached.

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SPECIAL SOURCE REVENUE CREDIT AGREEMENT

by and among

LANCASTER COUNTY, SOUTH CAROLINA,

PROPLASTICS DESIGNS, INC, AND

CLICKFOLD HOLDINGS, LLC (D/B/A CLICKFOLD PLASTICS)

Dated as of October 26, 2020

SPECIAL SOURCE REVENUE CREDIT AGREEMENT

This SPECIAL SOURCE REVENUE CREDIT AGREEMENT, dated as of October 26, 2020 (as the same may be amended, modified or supplemented from time to time in accordance with the terms hereof, the “Agreement”), is by and among LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (the “County”), PROPLASTICS DESIGNS, INC. (“Proplastics”), a North Carolina corporation and CLICKFOLD HOLDINGS, LLC (D/B/A CLICKFOLD PLASTICS) (“ClickFold”), a South Carolina limited liability company (collectively, Proplastics and ClickFold, referred to as “Company”).

W I T N E S S E T H :

WHEREAS, the County, acting by and through its County Council (the “County Council”) is authorized and empowered to establish a multicounty park (“MCP”) pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina, and also authorized to provide special source revenue credits pursuant to Sections 4-1-170, 4-1-172, 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended (the “MCP Act”) against fee-in-lieu of tax (“FILOT”) payments (“FILOT Payments”) made pursuant to the MCP Act to reimburse a project for the costs of designing, acquiring, constructing, improving, or expanding (i) infrastructure serving the project, or (ii) improved or unimproved real estate and personal property, including machinery and equipment used in the operation of a manufacturing or commercial enterprise (“Special Source Improvements”), through which powers the industrial development of South Carolina and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in South Carolina and the County and thus to utilize and employ the workforce, products, and natural resources of South Carolina to benefit the general public welfare of the County by providing services, employment, and other public benefits not otherwise provided locally; and

WHEREAS, the Company desires to invest capital in the County in order to construct and install one or more facilities with the expected investment estimated to be at least \$1,500,000 in real and personal property with an associated creation of at least twenty-one (21) new, full-time jobs (the “Project”); and

WHEREAS, pursuant to the MCP Act, the County and Chesterfield County, South Carolina (“Chesterfield County”) have jointly developed a Park (“Lancaster-Chesterfield Park”) by entering into that certain Amended and Restated Master Multi-County Park Agreement dated as of November 9, 2015 (as amended, modified, or supplemented through the date hereof, and as may be amended, modified, or supplemented from time to time, the “Lancaster-Chesterfield Park Agreement”); and

WHEREAS, in accordance with the MCP Act, real and personal property having a *situs* in a Park in the County, including, but not limited to, the Lancaster-Chesterfield Park, is exempt from all *ad valorem* taxation, but, the owners or lessees of such real and personal property are obligated to make, or cause to be made, payments in lieu of taxes to the County in the total amount equivalent to the *ad valorem* taxes or other fee in lieu of tax payments that would have been due and payable with respect to such real and personal property but for the location of such real and personal property within such Park and such exemption; and

WHEREAS, the County has determined to provide for inclusion of the Project Site within the boundaries of the Lancaster-Chesterfield Park, if such property is not already so included, and to maintain

the Project Site within the boundaries of the Lancaster-Chesterfield Park, or a replacement or successor Park, in order to facilitate the provision of, and receipt by, the Company of the special source revenue credits set forth in greater detail herein; and

WHEREAS, the County, as inducement for the location of the Project in the County, and in accordance with the MCP Act, has determined that the County shall provide, and the Company shall receive, special source revenue credits against each fee-in-lieu of tax payment due from the Company with respect to the Project, all as set forth in greater detail herein; and

WHEREAS, the County Council has authorized the execution and delivery of this Agreement by Ordinance No. 2020-1687 enacted by the County Council on October 26, 2020 (the “County Ordinance”).

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the above recitals which are incorporated herein by reference, and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS

The defined terms in this Agreement shall for all purposes of this Agreement have the meanings specified in the recitals above and in this **Article I**, unless the context clearly otherwise requires. Except where the context otherwise requires, (i) words importing the singular number shall include the plural number and *vice versa*, and (ii) the words “hereof”, “herein”, “hereunder”, and other words of similar import refer to this Agreement as a whole.

“*Affiliate*” shall mean any corporation, limited liability company, partnership or other Person or entity which now or hereafter owns all or part of the Company, or which now or hereafter is owned in whole or in part by the Company, or by any partner, shareholder or owner of the Company, as well as any corporation, limited liability company, partnership or other Person, which now or hereafter bears a relationship to the Company, as described in Section 267(b) of the Internal Revenue Code.

“*ClickFold*” means ClickFold Holdings, LLC, a South Carolina limited liability company, doing business as ClickFold Plastics, and its successors and assigns.

“*Code*” shall mean the Code of Laws of South Carolina 1976, as amended.

“*Company*” means, collectively, ClickFold and ProPlastics, and their successors and assigns.

“*Costs of Special Source Improvements*” means all of the costs of designing, acquiring, constructing, improving, equipping or expanding the Special Source Improvements, whether incurred prior to or after the date of this Agreement, and shall be deemed to include, but not be limited to: (a) existing buildings and building improvements together with all existing machinery and equipment; (b) obligations incurred for labor, materials, and other expenses to builders and materialmen in connection with the acquisition, construction, and installation of the Special Source Improvements; (c) the cost of construction bonds and of insurance of all kinds that may be required or necessary during the course of

construction and installation of the Special Source Improvements, which is not paid by the contractor or contractors or otherwise provided for; (d) the expenses for test borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefore, and for supervising construction, as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction, and installation of the Special Source Improvements; and (e) all other costs which shall be required under the terms of any contract for, or incurred in connection with, the designing, acquisition, construction, equipping and installation of the Special Source Improvements.

“*County*” shall mean Lancaster County, South Carolina, a body politic and corporate and a political subdivision of the State.

“*County Ordinance*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*Jobs Commitment*” means the commitment of ClickFold and ProPlastics, collectively, to create New Full-Time Jobs paying an hourly wage rate meeting the Wage Requirement.

“*Lancaster Park*” shall mean initially with respect to the Project Site, the Lancaster-Chesterfield Park established pursuant to the terms of the Lancaster-Chesterfield Park Agreement, and thereafter any Park which hereafter includes the Project Site and which is designated by the County as such pursuant to any Park agreement which replaces or succeeds the Lancaster-Chesterfield Agreement.

“*Lancaster-Chesterfield Park*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*Lancaster-Chesterfield Park Agreement*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*MCP Act*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*New Full-Time Jobs*” means new full-time jobs (*i.e.*, at least thirty (30) hours per week) created by Company for the Project, all with health care benefits (“New Full-Time Jobs”) at the following employment levels and in the designated timeframes:

(i) to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than eight (8) for those months in which the Project is operating in the County in calendar year 2021 (applicable to the FILOT Payment due without penalty by January 15, 2023),

(ii) to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than an average of twelve (12) in calendar year 2022 (applicable to the FILOT Payment due without penalty by January 15, 2024),

(iii) to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than an average of sixteen (16) in calendar year 2023 (applicable to the FILOT Payment due without penalty by January 15, 2025) and each calendar year thereafter in which either ClickFold or Proplastics receives an SSRC pursuant to Section 3.01(a) below.

Jobs relocated from other states to the Project may be included in the determination whether the Company has fulfilled the Jobs Commitment if the relocated jobs meet the Wage Requirement.

“*Park*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*Person*” means an individual, a corporation, a partnership, a limited liability company, an association, a joint stock company, a joint venture, a trust, any unincorporated organization, or a government or an agency or a political subdivision thereof.

“*Project*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*Project Site*” shall mean the land identified by Tax Map No. 0007-00-025.04, located on Yarborough Road, and consisting of approximately 2.01 acres.

“*Property Tax Year*” shall mean the annual period which is equal to the fiscal year of the Company, *i.e.*, as of the original execution and delivery of this Agreement, with respect to the Company, the annual period ending on **December 31** of each year.

“*Proplastics*” means Proplastics Designs, Inc., a North Carolina corporation, and its successors and assigns.

“*Special Source Improvements*” shall have the meaning ascribed thereto in the recitals of this Agreement.

“*Special Source Revenue Credits*” or “*SSRCs*” shall mean the special source revenue credits provided by the County and described in **Section 3.01** hereof.

“*State*” shall mean the State of South Carolina.

“*Wage Requirement*” means an hourly wage rate not less than sixteen dollars (\$16.00).

ARTICLE II

REPRESENTATIONS AND COVENANTS

SECTION 2.01. Representations by the County. The County represents that (i) it is a body politic and corporate and a political subdivision of the State, (ii) it is authorized by the MCP Act to enter into this Agreement, (iii) it has approved this Agreement in accordance with the procedural requirements of the MCP Act and any other applicable state law, and (iv) it has authorized its officials to execute and deliver this Agreement.

SECTION 2.02. Representations by the Company. A. ClickFold makes the following representations:

(1) ClickFold is a South Carolina limited liability company, duly organized, validly existing, and in good standing, under the laws of the State and is authorized to transact business in the State, has power to enter into this Agreement, and by proper corporate action has authorized the respective ClickFold official or officials signing this Agreement to execute and deliver this Agreement. ClickFold’s fiscal year end is **December 31** and ClickFold will notify the County of any changes in the fiscal year of ClickFold.

(2) The Special Source Revenue Credits provided by the County in the manner set forth in this Agreement have been instrumental to ClickFold in inducing the location of the Project in the County.

B. ProPlastics makes the following representations:

(1) ProPlastics is a North Carolina corporation, duly organized, validly existing, and in good standing, under the laws of the State of North Carolina and is authorized to transact business in the State, has power to enter into this Agreement, and by proper corporate action has authorized the respective ProPlastics official or officials signing this Agreement to execute and deliver this Agreement. ProPlastics's fiscal year end is **December 31** and ProPlastics will notify the County of any changes in the fiscal year of ProPlastics.

(2) The Special Source Revenue Credits provided by the County in the manner set forth in this Agreement have been instrumental to ProPlastics in inducing the location of the Project in the County.

SECTION 2.03 Covenants by the County. The County will use its best efforts to include, and thereafter maintain, the Project Site within the boundaries of the Lancaster Park for the term of this Agreement.

ARTICLE III

SPECIAL SOURCE REVENUE CREDITS

SECTION 3.01. Special Source Revenue Credits.

(a) To defray or reimburse the Costs of Special Source Improvements with respect to the Project, the County agrees to provide, and the Company shall, subject to the provisions of Section 3.02 hereof, receive, Special Source Revenue Credits (i) equal to seventy-five percent (75%) of the FILOT Payments due with respect to the Company's investments in real and personal property for a period of three (3) consecutive tax years, beginning with the FILOT Payment due from the Company for tax year 2022 (*i.e.*, the FILOT Payment due to be paid without penalty on or before January 15, 2023) and ending with the FILOT Payment due from the Company in tax year 2024 (*i.e.*, the FILOT Payment due to be paid without penalty on or before January 15, 2025) (the "Seventy-Five Percent SSRC"), and (ii) equal to forty percent (40%) of the FILOT Payments due with respect to the Company's investments in real and personal property for a period of seven (7) consecutive tax years, beginning with the FILOT Payment due from the Company for tax year 2025 (*i.e.*, the FILOT Payment due to be paid without penalty on or before January 15, 2026) and ending with the FILOT Payment due from the Company in tax year 2031 (*i.e.*, the FILOT Payment due to be paid without penalty on or before January 15, 2032). Company agrees that any exemption that would otherwise be allowed pursuant to Section 3(g), Article X of the Constitution of South Carolina and the exemptions allowed pursuant to Section 12-37-220(B)(32) and (34) of the Code shall not be applied to the FILOT Payments.

(b) The Special Source Revenue Credits to which the Company shall receive with respect to each tax year set forth above in **Section 3.01(a)** hereof shall be reflected by the County Auditor or other authorized County official or representative on each FILOT Payment bill sent to the Company by the

County for each such tax year, by reducing the fee-in-lieu of tax payment otherwise due from the Company for such tax year by the amount of Special Source Revenue Credits to be provided to the Company for such tax year.

(c) If **Section 3.01(a)** hereof, or the provision of the Special Source Revenue Credits is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, the County agrees to provide the Company with an incentive that is valid pursuant to such court ruling and commensurate to the nature and value of the benefits intended to be provided under this Agreement, to the maximum extent legally permitted.

(d) THIS AGREEMENT AND THE SPECIAL SOURCE REVENUE CREDITS PROVIDED HEREUNDER ARE LIMITED OBLIGATIONS OF THE COUNTY AND ARE PROVIDED BY THE COUNTY SOLELY FROM THE FEE-IN-LIEU OF TAX PAYMENT MADE BY THE COMPANY WITH RESPECT TO THE PROJECT AND DO NOT AND SHALL NOT CONSTITUTE A GENERAL OBLIGATION OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION AND DO NOT AND SHALL NOT CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE COUNTY. THE FULL FAITH, CREDIT, AND TAXING POWER OF THE COUNTY ARE NOT PLEDGED IN CONNECTION WITH THE PROVISION OF THE SPECIAL SOURCE REVENUE CREDITS HEREUNDER.

(e) Except as otherwise provided in this Agreement, the Company shall receive, in addition to the Special Source Revenue Credits, all other credits, exemptions, or reductions against *ad valorem* taxes or against payments in lieu of taxes due pursuant to the MCP Act allowed by law.

(f) In accordance with the MCP Act, the Special Source Revenue Credits authorized herein shall not, in the aggregate, exceed the aggregate cost of Special Source Improvements funded from time to time in connection with the Project by the Company.

(g) Notwithstanding any other provision of this Agreement, the Company acknowledges and agrees that County's obligation to provide the special source revenue credits ends, and this Agreement is terminated, if the Company ceases operations. For purposes of this **Section 3.01(g)**, "**cease operations**" means permanent closure of the facility. The Company agrees that if this Agreement is terminated pursuant to this **Section 3.01(g)**, that under no circumstance shall the County be required to refund or pay any monies to the Company.

(h) In any year in which the Company fails to meet the Jobs Commitment, the SSRC shall be reduced in the same proportion that the Company failed to meet the Jobs Commitment. For example, if for the calendar year 2022, the Jobs Commitment is to have not less than an average of twelve (12), but the Company employed an average of ten (10) meeting the Jobs Commitment, then the SSRC would be set at 83.3% (10 divided by 12 equals 83.3%) of 75% which results in an SSRC applicable to the FILOT Payment due without penalty by January 15, 2024 of 62.5% (83.3% times 75% equals 62.5%).

(i) Notwithstanding any other provision of this Agreement, the SSRCs provided in **Section 3.01(a)** above are not applicable in any year immediately following a year in which the Company has failed to employ an average of at least ten (10) individuals in new full-time jobs (*i.e.*, each at least thirty (30) hours per week and all with health care benefits).

SECTION 3.02. Maintenance of Books and Records; Annual Reports; Examinations and Inspections; Confidential Information. (a) ClickFold and Proplastics shall each maintain, or cause to be maintained, such books and records with respect to the Project as will permit the identification of the portions of the Project placed in service, the amount of investment with respect thereto, and any computations of the fee-in-lieu of tax payment and the special source revenue credits made by either ClickFold or Proplastics hereunder. ClickFold and Proplastics each agree to comply with all reporting requirements of the State and the County applicable to fee-in-lieu of tax property under the MCP Act, including without limitation the reports and returns required by Section 12-2-90 of the Code.

(b) Upon direction of the governing body of the County, a County Official may request and obtain such financial books and records from ClickFold and Proplastics that support the returns of such Company as may be reasonably necessary to verify the calculations of the fee-in-lieu of tax payments by the Company. For purposes of this Agreement, the term “County Official” includes the County Administrator, County Auditor, County Assessor, County Treasurer, and the County Director of Economic Development.

(c) Each year during the term hereof, the Company shall deliver to the County Auditor, the County Assessor, the County Treasurer, and County Director of Economic Development a copy of any form or return it files with the South Carolina Department of Revenue with respect to the Project at the same time as delivery thereof to the South Carolina Department of Revenue.

(d) During the term hereof, ClickFold and Proplastics shall each deliver to the County Auditor and the County Director of Economic Development on or before each May 31 following the end of a Property Tax Year, beginning with May 31, 2022, the information required by the County Auditor for a fee-in-lieu of tax payment bill to be prepared in accordance with this Agreement and **Section 3.01(a)** hereof. The information delivered must include, at a minimum, the amount of investment by the Company in Project property. If the County incurs expenses in the computation, preparation and verification of the annual fee-in-lieu of tax payment bill, the Company agrees to reimburse the County for those expenses, including, but not limited to, expenses incurred by the County for accountants and similar experts (the “Administrative Expense Reimbursement”). The annual Administrative Expense Reimbursement is capped at one thousand dollars (\$1000.00). If the information and certification required by this subsection is not delivered to the County Auditor and County Director of Economic Development on or before May 31 of the applicable year, ClickFold and Proplastics each agree that the Special Source Revenue Credits are forfeited for the FILOT Payment due for Project property for the then current Property Tax Year.

(e) The Company agrees that the County and its authorized agents shall have the right at all reasonable times and upon prior reasonable notice to enter upon and examine and inspect the Project and to have access to and examine and inspect all its books and records pertaining to the Project. The right of examination and inspection shall be exercised only upon reasonable and necessary terms and conditions prescribed by the Company to protect the confidentiality and proprietary rights of ClickFold and Proplastics. Any such entrance upon and examination and inspection of the Project shall be at the County’s expense.

(f) The County acknowledges and understands that the information provided by the Company may contain, and the Company may have and maintain at the Project, certain confidential and proprietary information, including, but not limited to, trade secrets, financial, sales or other information concerning the operations and processes of the Company (“Confidential Information”) and that any disclosure of the Confidential Information could result in substantial harm to the Company and could have a significant detrimental impact on the employees and also upon the County. Except as required by law, including, without limitation, court orders, the County agrees to use its best reasonable efforts to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives, when the Confidential Information is clearly marked and identified as Confidential Information. The County shall not knowingly and willfully disclose and shall cause all employees, agents and representatives of the County to not knowingly and willfully disclose the marked and identified Confidential Information to any Person or entity other than in accordance with the terms of this Agreement. If a demand is made for the release, under color of law, to a third party of any Confidential Information, the County shall notify the Company and give the Company the opportunity to contest the release.

ARTICLE IV

TRANSFERS OF PROJECT PROPERTY; ASSIGNMENT

SECTION 4.01. Transfers of Project Property; Assignment of Interest in this Agreement. The County hereby acknowledges that the Company may from time to time and, to the extent permitted by applicable law, sell, transfer, lease, convey, or grant the right to occupy and use the Project, in whole or in part, or assign its interests in this Agreement, in whole or in part, to one or more Persons without the consent of the County; *provided, however*, that any transfer or assignment by the Company of all or any of their interest in this Agreement to any Person other than an Affiliate shall require the prior written consent or subsequent ratification of the County, which consent or ratification shall not be unreasonably withheld, conditioned, or delayed and which shall be evidenced by resolution of County Council; and *provided, further*, that the Company shall provide written notice to the County of any such transfer or assignment. Subject to the foregoing provisions of this **Section 4.01**, no such sale, lease, conveyance, grant, transfer or assignment shall relieve the County from the County’s obligation to provide the Special Source Revenue Credits to the Company, or any transferee or assignee of the same, under this Agreement.

ARTICLE V

DEFAULTS AND REMEDIES

SECTION 5.01. Events of Default. If any party shall fail duly and punctually to perform any material covenant, condition, agreement or provision contained in this Agreement on the part of such party to be performed, which, except as otherwise provided in this Agreement, failure shall continue for a period of thirty (30) days after written notice by another party, specifying the failure and requesting that it be remedied, is given to the defaulting party by first-class mail, then such party shall be in default under this Agreement (an “Event of Default”); *provided, however*, that if any such failure is not, with due diligence, susceptible of cure within such 30-day period, then such defaulting party shall have a period of time not to exceed sixty (60) days from the date of such written notice by the other party to remedy such failure, unless such parties agree in a writing signed by all parties to an extension of such time prior to its expiration.

SECTION 5.02. Legal Proceedings. Upon the happening of any Event of Default by a party, then and in every such case each other party in its respective discretion may:

- (1) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the defaulting party to carry out any agreements with or for its benefit and to perform its duties under the MCP Act and this Agreement;
- (2) bring suit upon this Agreement;
- (3) exercise any or all rights and remedies provided by the applicable laws of the State; or
- (4) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 5.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved to the Company, or the County is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 5.04. Nonwaiver. No delay or omission of the Company, or the County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this **Article V** to the Company, or the County may be exercised from time to time and as often as may be deemed expedient.

ARTICLE VI

MISCELLANEOUS

SECTION 6.01. Termination This Agreement shall automatically terminate on the date upon which all Special Source Revenue Credits provided for in **Section 3.01** hereof have been provided to, and received by, the Company. Additionally the County and the Company may jointly agree to terminate this Agreement at any time and the Company may, at their option, unilaterally terminate this Agreement at any time with respect to all, or any portion of the Project.

SECTION 6.02. Binding Effect; Successors and Assigns. This Agreement shall be binding, in accordance with its terms, and to the extent permitted by law, upon and inure to the benefit of the Company, the County and their respective successors and assigns. All covenants, stipulations, promises, and agreements contained in this Agreement, by or on behalf of, or for the benefit of, the County, shall bind or inure to the benefit of the successors of the County from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County shall be transferred.

SECTION 6.03. Provisions of Agreement for Sole Benefit of the Company and the County. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any Person other than the Company and the County any right, remedy, or claim under or by reason of this

Agreement, this Agreement being intended to be for the sole and exclusive benefit of the Company and the County.

SECTION 6.04. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal, invalid or unenforceable, the illegality, invalidity or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed and enforced as if the illegal, invalid or unenforceable provisions had not been contained herein so as to most closely effectuate the legal, valid and enforceable intent hereof and so as to afford the Company with the maximum benefits to be derived herefrom.

SECTION 6.05. No Liability for Personnel of the County, the Company or the Affiliated Company. No covenant or agreement contained in this Agreement is deemed to be a covenant or agreement of any elected official, member, agent, or employee of the County or its governing body or the Company or any of their respective officers, elected officials, employees, or agents in an individual capacity, and neither the members of the governing body of the County nor any official of the County or the Company executing this Agreement is liable personally on the Special Source Revenue Credits or this Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 6.06. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States first-class registered mail, postage prepaid, addressed as follows:

(a) As to the County:

Lancaster County
Attn.: County Administrator
P.O. Box 1809 (29721)
101 N. Main Street, 2nd Floor (29720)
Lancaster, South Carolina
Phone: (803) 416-9300
Fax: (803) 285-3361

with a copy to (which shall not constitute notice for purposes of this Agreement):

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

(b) As to ClickFold:

ClickFold Holding, LLC
2900 Westinghouse Boulevard, Suite 118
Charlotte, NC 28723
Facsimile No. _____

(c) As to Proplastics:

Proplastics Designs, Inc.
2900 Westinghouse Boulevard, Suite 118
Charlotte, NC 28723
Facsimile No. _____

The County and the Company shall, by notice given under this **Section 6.06**, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 6.07. Reserved.

SECTION 6.08. Merger. This Agreement constitutes the entire agreement among the parties to it with respect to the matters contemplated in it, and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had among these parties are merged herein.

SECTION 6.09. Agreement to Sign Other Documents and to Take Further Action. The County agrees that it will from time to time execute and deliver such further instruments, in form and substance reasonably acceptable to it, and take such further action as may be reasonable and as may be requested by the Company as may be required to carry out the purpose of this Agreement. The requesting party shall reimburse, or cause reimbursement of, the County for reasonable attorneys' fees, related to review and negotiation of such further instruments. Such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County, other than against the fee-in-lieu of tax payments made by the Company with respect to the Project, or a charge against its general credit or taxing power or pledge the credit or taxing power of the State, or any other political subdivision of the State.

SECTION 6.10. Construction of Agreement. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

SECTION 6.11. Applicable Law. The laws of the State govern the construction of this Agreement.

SECTION 6.12. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 6.13. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 6.14. Waiver. Either party may waive compliance by the other party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving party.

SECTION 6.15. Further Proceedings. It is intended by the parties that any action to be taken hereinafter by the County pursuant to the express provisions of this Agreement may be undertaken by the County without necessity of further proceedings. To the extent that additional proceedings are required by law, however, the County agrees, to the extent permitted by law, to undertake all such steps as may be reasonably required or appropriate to effectuate the intent of this Agreement.

SECTION 6.16. Chamber Membership. Company agrees to maintain a membership in the Lancaster County Chamber of Commerce for those years in which the Seventy-Five Percent SSRC, as defined in **Section 3.01(a)** above, is applied.

SIGNATURES FOLLOW ON NEXT PAGE.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, Lancaster County, South Carolina has caused this Agreement to be executed by its respective appropriate officials and its respective corporate seal to be hereunto affixed and attested and Proplastics Designs, Inc. and ClickFold Holding, LLC (d/b/a ClickFold Plastics) has each caused this Agreement to be executed by its authorized officers, effective the day and year first above written.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

[SEAL]

Attest:

Sherrie Simpson, Clerk to Council,
Lancaster County, South Carolina

PROPLASTICS DESIGNS, INC.,
a North Carolina corporation

By: _____
Its: _____

CLICKFOLD HOLDINGS, LLC, d/b/a
CLICKFOLD PLASTICS,
a South Carolina limited liability company

By: _____
Its: _____

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1688 / Planning Case Number: UDO-TA-020-1898

Contact Person / Sponsor: Robert G. Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Amend Unified Development Ordinance Chapters 5.2.8 and 10.3 to modify the use regulations for residential care facilities, as well as to modify the definition for residential care facilities and add a new definition for independent living facilities.

Points to Consider:

The proposed text amendment will amend the use regulations for residential care facilities to clarify that licensing is only to the extent required by law and to establish the maximum density for independent living facilities at 16.5 units per acre. The amendment will also modify the existing definition for residential care facilities to clarify what specific types of facilities are included in the definition, including independent living facilities, and to create a new definition for independent living facilities.

The following chapters of the UDO are proposed to be amended:

Chapter 5.2.8, Residential Care Facilities (6 or More Residents): Amend subsection B to clarify that licensing is only to the extent required by law, and amend subsection D to provide a maximum density for independent living facilities.

Chapter 10.3, Definitions, Use Type: Amend the existing definition for Residential Care Facilities to provide clarity to what specific types of facilities constitute a residential care facility, including independent living facilities, and to provide a new definition for Independent Care Facilities.

The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with the applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.

The proposed amendment will provide much needed clarity as to how this common use (Independent Living Facilities) may be allowed in Lancaster County. However, there is some concern as to the density that has been proposed by the applicant, which at 16.5 dwelling units per-acre is greater than what is otherwise allowable for any other use in any district in the UDO. Staff would recommend that this be reduced to, at most, 15 dwelling units per-acre.

Funding and Liability Factors:

N/A

Council Options:

Approve, deny, or modify the text amendment request.

Recommendation:

The Planning Commission voted 6-0 on September 15, 2020, to recommended **approval** of the text amendment, subject to the condition that the proposed density be amended so as not to exceed 15 dwelling units per-acre.

Staff also recommended approval of the text amendment, subject to the condition that the proposed density be amended so as not to exceed 15 dwelling units per-acre.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1688	10/5/2020	Ordinance
Staff Report	9/2/2020	Planning Staff Report

Ex 1: Proposed Text Amendment	9/2/2020	Amendment
Ex 2: Application	9/2/2020	Backup Material
Public Hearing Notice for Ordinance 2020-1688 (Planning Department Case Number: UDO-TA-020-1898)	10/5/2020	Public Hearing Notices

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2020-1688

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE CHAPTERS 5.2.8 AND 10.3 TO MODIFY THE USE REGULATIONS FOR RESIDENTIAL CARE FACILITIES, TO AMEND THE DEFINITION FOR RESIDENTIAL CARE FACILITIES, AND ADD A NEW DEFINITION FOR INDEPENDENT LIVING FACILITIES.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) FC Indian Land, LLC (Daniel J. Ballou) made application to amend Chapter 5.2.8 and 10.3 of the Unified Development Ordinance (UDO) concerning the modification of the use regulations and definition for residential care facilities, as well as the addition of a definition for independent living facilities.
- (b) The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.
- (c) The proposed amendment will provide much needed clarity as to how this common use (Independent Living Facilities) may be allowed in Lancaster County.
- (d) Lancaster County Planning Commission considered the proposed text amendment at its meeting on September 15, 2020, and by a unanimous vote recommended approval of the text amendment subject to the condition that the proposed density be amended so as not to exceed 15 dwelling units per acre.

Section 2. Amendment of Ordinance 2016-1442 (Unified Development Ordinance)

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 5.2.8 Residential Care Facilities, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 10.3, Definitions, Use Type, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

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 _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Public Hearing: October 12, 2020
Second Reading: October 26, 2020
Third Reading: November 9, 2020

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Amend Unified Development Ordinance Chapters 5.2.8 and 10.3 to modify the use regulations for residential care facilities, as well as to modify the definition for residential care facilities and add a new definition for independent living facilities.

APPLICABLE CHAPTER(S): Chapters 5 and 10

APPLICANT: FC Indian Land, LLC (Daniel J. Ballou)

PROJECT SUMMARY & PROPOSAL:

FC Indian Land, LLC (Daniel J. Ballou) has submitted a request to amend the Chapters 5 and 10 of the Unified Development Ordinance (UDO) concerning the modification of the use regulations and definition for residential care facilities, as well as the addition of a definition for independent living facilities.

OUTLINE OF TEXT AMENDMENT:

The proposed text amendment will amend the use regulations for residential care facilities to clarify that licensing is only to the extent required by law, and to establish the maximum density for independent living facilities at 16.5 units per acre. The amendment will also modify the existing definition for residential care facilities to clarify what specific types of facilities are included in the definition, including independent living facilities, and to create a new definition for independent living facilities.

The following chapters of the UDO are proposed to be amended:

Chapter 5.2.8, Residential Care Facilities (6 or More Residents): Amend subsection B to clarify that licensing is only to the extent required by law, and amend subsection D to provide a maximum density for independent living facilities.

Chapter 10.3, Definitions, Use Type: Amend the existing definition for Residential Care Facilities to provide clarity to what specific types of facilities constitute a residential care facility, including independent living facilities, and to provide a new definition for Independent Care Facilities.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Board's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~striketrough~~ font. The proposed language is found in Attachment 1.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Chapter 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with the applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.

The proposed amendment will provide much needed clarity as to how this common use (Independent Living Facilities) may be allowed in Lancaster County. However, there is some concern as to the density that has been proposed by the applicant, which at 16.5 dwelling units per acre is greater than what is otherwise allowable for any other use in any district in the UDO. Staff would recommend that this be reduced to, at most, 15 dwelling units per acre.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes, subject to the proposed density being amend so as not to exceed 15 dwelling units per acre.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

Robert G. Tefft

Senior Planner

rtefft@lancastersc.net

803-416-9394

TEXT AMENDMENT APPLICATION ADDENDUM

Applicant Name: FC Indian Land, LLC
Address: 7315 Wisconsin Avenue, Suite 925 W,
Bethesda, MD 20814
Phone: 301-654-8801
Email: info@cypress-senior.com

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended:

- A. 5.2.8. RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) [RUB, NB, GB, RB, INS, MX, IMX]**
- B. 10.3 DEFINITIONS, USE TYPE**

Current Text:

- A. 5.2.8. RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) [RUB, NB, GB, RB, INS, MX, IMX]**

...

- B. Licensing: Prior to the submission of an application for a Zoning Permit, an owner/operator of a residential care facility shall have received a license from the State of South Carolina for such a facility.

...

- D. Maximum Density: The maximum gross density for residential care facilities shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, every 4 beds in a residential personal care unit, and each 6 beds in a skilled care nursing facility shall constitute 1 dwelling unit for the purposes of calculating the density.

- B. 10.3 DEFINITIONS, USE TYPE**

...

RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes, nursing homes, residential child-care facilities assisted living residences, adult care homes, retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages. This term excludes residential/family care homes and halfway homes.

Proposed Text:

A. 5.2.8. RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) [RUB, NB, GB, RB, INS, MX, IMX]

...

- B. Licensing: Prior to the submission of an application for a Zoning Permit, an owner/operator of a residential care facility shall have received a license from the State of South Carolina for such a facility to the extent required by law.

...

- D. Maximum Density: The maximum gross density for residential care facilities shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, every 4 beds in a residential personal care unit, and each 6 beds in a skilled care nursing facility shall constitute 1 dwelling unit for the purposes of calculating the density. The maximum gross density for Independent Living Facilities, as defined herein, shall be 16.5 units per acre.

...

B. 10.3 DEFINITIONS, USE TYPE

...

INDEPENDENT LIVING FACILITIES Age-restricted (55 and over) attached congregate living facilities (not a single-family dwelling), with paid or volunteer staff that provide assistance to more than 6 individuals. Independent Living Facilities are designed for persons 55 years of age and older who do not require full-time health and support services, such as medical and nursing care, central dining, and transportation service, to be located on-site. Each living unit within an Independent Living Facilities shall be physically accessible to older persons. Independent Living Facilities shall consist of controlled access to the building, interior elevators, and conditioned corridors. This term excludes residential/family care homes and halfway homes. The site shall have direct access to either an arterial or collector road.

...

RESIDENTIAL CARE FACILITIES (6 OR MORE RESIDENTS) A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes, nursing homes, residential child-care facilities, assisted living ~~residences~~ facilities, adult care homes, ~~retirement housing~~, congregate living ~~services facilities~~, continuing care ~~retirement centers~~ facilities, skilled nursing ~~services facilities~~, ~~and~~ orphanages and independent living facilities as defined herein. This term excludes residential/family care homes and halfway homes.

...

Description of Need for Proposed Text: To define Independent Living Facilities and provide specifically that such use is included within the definition of Residential Care Facilities, subject to conditions otherwise required under Section 5.2.8.



Planning Department

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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 5.2.8 and 10.3

Current Text See attached

Proposed Text See attached

Description of Need for Proposed Text See attached

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name FC Indian Land, LLC

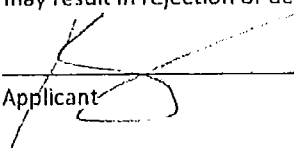
Address 7315 Wisconsin Ave, Suite 925 W,

City Bethesda State MD Zip 20814 Phone 301-654-8801

Fax _____ Email info@cypress-senior.com

APPLICATION CERTIFICATIONS

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


Applicant _____

2/17/2020
Date _____

Property Owner(s) _____

Date _____

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 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.
- Text Amendment Application Fee - \$435.00

2. Planning Commission

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

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

January, 2020

AFFIDAVIT

PERSONALLY, APPEARED ME, Sloan S. Elms, Jr., and Jacqueline W. Elms, the owners of certain property located at 9885 Harrisburg Road, Indian Land, South Carolina, Tax Map No. 0005-00-093.00 and 0005-00-093.01 (the "Property"), who has been duly sworn, deposes and says as follows:

1. I am over 21 years of age and am competent to testify regarding the matters set forth in this Affidavit, and the information supplied herein is true and correct to the best of my knowledge

2. I have read the application for a text amendment regarding the proposed use of the Property and authorize the filing of the application for a text amendment by the Applicant. 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.

Sloan S. Elms, Jr.

Sloan S. Elms, Jr

Jacqueline W Elms

Jacqueline W. Elms

SWORN to and subscribed before me

This 14th day of August 2020.

Savana Sprouse
Notary Public for: South Carolina

My Commission Expires: 09/26/2027

SAVANA N. SPROUSE
Notary Public, State of South Carolina
My Commission Expires 9/26/2027

SWORN to and subscribed before me

This 14th day of August 2020.

Savana Sprouse
Notary Public for: South Carolina

My Commission Expires: 09/26/2027

SAVANA N. SPROUSE
Notary Public, State of South Carolina
My Commission Expires 9/26/2027

The Lancaster News

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

PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission will conduct a public hearing on Tuesday, September 15, 2020 and the Lancaster County Council will conduct a public hearing on Monday, October 12, 2020. All hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Room 224, Lancaster, SC.

1. RZ-020-1750: Application by Carolina Ventures 1, LLC (Robert Turi) to rezone approximately 155 acres of land near Griffin, Osceola and Van Wyck Roads (TM#s 0019-00-029.00, 0019-00-035.00, 0019-00-027.01, Portion of 0019-00-025.00, Portion of 0019-00-027.02) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.
2. RZ-020-1895: Application by Mark Haldeman to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District.
3. UDO-TA-020-1898: Application by FC Indian Land, LLC (Daniel J. Ballou) to amend Unified Development Ordinance Chapters 5.2.8 and 10.3 to provide for use regulations and a definition for independent living facilities, as well as amending the definition for residential care facilities.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department, which is located at 101 North Main Street, Room 108 Lancaster, South Carolina. Persons

PHOTO SUPPLIED
Chester County Councilman Mike Vaughn, left, and
Great Falls Hometown Association Executive Director
Glinda Coleman show the location of some GFHTA
plans to Cynthia Curtis, Arras Foundation community
investment officer, during the Healthy Community
Grant workshop.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of *August 26, 2020*

Benita G. Gush

Notary Public of South Carolina

My Commission Expires
January 13, 2021

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1689 / Planning Case Number: RZ-020-1750

Contact Person / Sponsor: Katie See/Senior Planner/ Planning Department

Department: Planning

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Request to rezone approximately 155 acres of property (TM# 0019-00-027.01, 0019-00-029.00, 0019-00-035.00, Portion of 0019-00-025.00, and Portion of 0019-00-027.02) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District. - Planning Department Case Number: RZ-020-1750.

Points to Consider:

The property is surrounded predominantly by other RN zoned properties with the exception of the Tree Tops neighborhood located west and south of the property, which is zoned MDR District.

The Planning Commission raised concerns with the additional traffic this project would generate because traffic currently backs up on Van Wyck Road from the intersection of Highway 521 and there are limited alternative routes available. Two neighboring property owners spoke against the request to rezone citing the incompatibility of the project relative to the character of the area. The current owners of the subject property that are selling the property to the applicant provided letters of support for the rezoning.

The applicant has submitted an informal concept plan which shows a preliminary neighborhood design. It is included with the staff report. An extension of Dave Lyle Boulevard is planned within the proposed subject property's boundaries, according to the adopted RFATS Collector Street Plan (see staff report).

While the above-noted Dave Lyle Boulevard alignment had been discussed early in the process with the applicant, it is concerning to staff that no allowance has been made to accommodate it within the envisioned neighborhood layout or demonstrate a more suitable offsite alternative alignment.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the rezoning request.

Recommendation:

Staff recommended **approval** of the request to rezone. On September 15, 2020, the Planning Commission voted unanimously (6-0) to **recommend denial** of the request to rezone from RN to MDR.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1689	10/5/2020	Ordinance
Staff Report	9/8/2020	Planning Staff Report
Ex 1: Application	9/8/2020	Exhibit
Ex 2: Zoning Map	9/8/2020	Exhibit

Ex 3: RFATS DLB Extension Alignment	9/8/2020	Exhibit
Ex 4: Concept Plan	9/8/2020	Exhibit
Property Owner Letter 1	9/8/2020	Exhibit
Property Owner Letter 2	9/8/2020	Exhibit
Property Owner Letter 3	9/8/2020	Exhibit
Additional Property Owner Letters - Combined	10/2/2020	Exhibit
Public Hearing Notice for Ordinance 2020-1689 (Planning Department Case Number: RZ-020-1750	10/5/2020	Public Hearing Notices

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2020-1689

COUNTY OF LANCASTER

(

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 155 ACRE, MORE OR LESS, TRACT OF PROPERTY TMS NO. 0019-00-027.01, OWNED BY E. MARTIN, MARY HEATH TINSLEY AND SARAH PURVIS WILLIAMS; TMS NO. 0019-00-029.00, OWNED BY ROBERT D. WILSON TRUST; TMS NO. 0019-00-035.00, OWNED BY HELEN W. DAVIS; PORTION OF TMS NO. 0019-00-025.00, OWNED BY OLIN S. WILSON; AND PORTION OF TMS NO. 0019-00-027.02, OWNED BY ROBERT L. AND PHYLLIS W. PATTON, AND LOCATED ON THE EAST SIDE OF VAN WYCK ROAD AND NORTH OF THE TREE TOPS RESIDENTIAL DEVELOPMENT, INDIAN LAND, SOUTH CAROLINA, FROM RN, RURAL NEIGHBORHOOD DISTRICT, TO MDR, MEDIUM 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) Carolina Ventures, 1, LLC, Robert Turri, applied to rezone 155.00 acres, more or less, located on the East side of Van Wyck Road and North of the Tree Tops Residential Development, Indian Land, South Carolina, Tract of Property, TMS No. 0019-00-027.01, owned by E. Martin, Mary Heath Tinsley and Sarah Purvis Williams; TMS No. 0019-00-029.00, owned by Robert D. Wilson Trust; TMS No. 0019-00-035.00, owned by Helen W. Davis; Portion of TMS No. 0019-00-025.00, owned by Olin S. Wilson; and a Portion of TMS No. 0019-00-027.02, owned by Robert L. and Phyllis W. Patton, from RN, Rural Neighborhood District, to MDR, Medium Density Residential District.

(b) On September 15, 2020, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote, recommended denial of the rezoning.

(c) The Future Land Use Map identifies this property as RL, Rural Living, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from RN, Rural Neighborhood District, to MDR, Medium Density Residential District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

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

155 acres, more or less

TMS No. 0019-00-027.01

TMS No. 0019-00-029.00

TMS No. 0019-00-035.00

Portion of TMS No. 019-00-025.00

Portion of TMS No. 0019-00-027.02

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Public Hearing: October 12, 2020
Second Reading: October 26, 2020
Third Reading: November 9, 2020

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 155 acres of property (TM# 0019-00-027.01, 0019-00-029.00, 0019-00-035.00, Portion of 0019-00-025.00, and Portion of 0019-00-027.02) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.

PROPERTY LOCATION: East side of Van Wyck Road and north of the Tree Tops residential development

CURRENT ZONING DISTRICT: Rural Neighborhood (RN) District

PROPOSED ZONING DISTRICT: Medium Density Residential (MDR) District

APPLICANT: Carolina Ventures 1, LLC (Robert Turi)

COUNCIL DISTRICT: District 1, Terry Graham

OVERVIEW:

Site Information

The parcels, and portions of, to be rezoned are currently vacant. The applicant has submitted a request to rezone the property from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by other RN zoned properties with the exception of the Tree Tops neighborhood located west and south of the property, which is zoned MDR District.

Adjacent Property	Municipality	Zoning District	Use
North	Lancaster County	RN	Vacant; Single-Family Residential
South	Lancaster County	MDR	Single-Family Residential (Tree Tops)
East	Lancaster County	RN	Vacant; Single-Family Residential
West	Lancaster County	RN; MDR	Vacant; Single-Family Residential (Tree Tops)

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned RN District. Pursuant to UDO Chapter 2.3, the RN District *is established to protect the residential character of communities and neighborhoods in the rural area at a density of 1.0 dwelling unit per acre. The district is intended to promote rural living, protect farmland, and to maintain the low density residential.*

Further, UDO Chapter 2.3 describes the requested MDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

Compatibility with Surrounding Area

As noted previously, the subject properties are predominately surrounded by the RN District with the exception of the adjacent Tree Tops neighborhood which is zoned MDR. The RN District is intended to protect farmland and preserve the rural character of an area by only permitting lot sizes at least one acre in size. The MDR District is intended to serve as a transitional zoning district between rural and urban development. Currently, this area can be characterized by rural single-family homes on lots of varying sizes, farmland, and Tree Tops. Staff finds that the proposed rezoning of the property to MDR District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

Comprehensive Plan Consistency

The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *“includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.”* The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Rural Living Future Land Use Category, and by association the Rural Living Community Type, extends across the southern half of the panhandle, with the exception of an area within the Town of Van Wyck, which is designated as Special District – Industrial. The Rural Living Future Land Use Category and Rural Living Community Type are, by default, intended to be compatible with the existing rural character of the area.

The requested MDR district would be more consistent with the Transitional Future Land Use category, rather than the existing Rural Living Future Land Use category. The adjacent Tree Tops residential community is also designated Rural Living but would also be more consistent with the Transitional category. Should this rezoning request be approved, the future land use map will need to be amended in the future to reflect the increased density.

Neighborhood Mixed Use: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Mobile Home
Barns/Storage	Restaurant	Church
Gas Station	Smaller-lot Single-Family & Townhomes	
Convenience Store/Hardware Store	Light Industrial (ancillary to farming)	

RFATS Collector Road Study

The Rock Hill-Fort Mill Area Transportation Study (RFATS) region initiated a Collector Street Plan in 2017 to reduce long-term traffic congestion as additional development occurs by outlining a network of supporting streets to expand driver choice, provide alternative routes, and guide the construction of a more fully developed network of interconnected streets (RFATS Collector Street Plan, 2017). An extension of Dave Lyle Boulevard is planned within Lancaster County and is shown to be in close proximity to this project, according to the Plan (See Attachment 3). Dave Lyle Boulevard currently stretches from west of Main Street in Rock Hill to Waterford Park Drive, connecting to I-77 and US 21. It is listed on the Long Range Transportation Plan unfunded project list.

The applicant has submitted an informal concept plan that shows the envisioned neighborhood design (Attachment 4). While the above-noted Dave Lyle Boulevard alignment had been discussed early in the process with the applicant, it is concerning to staff that no allowance has been made to accommodate it within the envisioned neighborhood layout or demonstrate a more suitable alternative alignment.

PHOTOS OF PROJECT AREA:



Looking east along Griffin Road



Looking north across Griffin Road, directly across from subject properties



Looking north along Van Wyck Road at intersection of Van Wyck and Griffin Roads



Looking south along Van Wyck Road at intersection of Van Wyck and Griffin Roads

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 155 acres of property from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District pursuant to the following findings of fact:

1. That the subject property consists of the following parcels: TM# 0019-00-027.01, 0019-00-029.00, 0019-00-035.00, Portion of 0019-00-025.00, and Portion of 0019-00-027.02;
 2. That the subject property is currently zoned RN District and proposed to be rezoned MDR District;
 3. That the subject property has a Future Land Use designation of Rural Living, and a Community Type of Rural Living;
 4. That the proposed MDR District is more consistent with the Transitional Future Land Use designation which will require an amendment in the future; and,
 5. That the proposed MDR District is generally consistent with the surrounding area which is comprised of RN and MDR Districts.
-

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. RFATS DLB Extension Alignment
4. Concept plan

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395



Planning Department

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

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address 5 Parcels located near Griffin Rd, Osceola Rd, and Van Wyck Rd.

City Indian Land State SC Zip 29707 Tax Parcel ID (See attached exhibit)

Current Zoning RN (Rural Neighborhood) Current Use Residential, Agricultural (QUSE)

Proposed Zoning MDR (Medium Density Residential) Total Acres 155 +/- ac

Project Description Rezone these parcels or portions of parcels from RN to MDR. These parcels are located to the North of the Tree tops neighborhood between Van Wyck Rd to the West and the un-named tributary to Twelvemile Creek to the East. MDR aligns with the surrounding zoned properties and with the future zoning on the Lancaster County Small Area Plan.

Surrounding Property Description Surrounding properties are residential and agriculture use. The Tree Tops neighborhood is zoned MDR to the South. There are existing homes located along Osceola Rd and Griffin Rd. The properties are 0.33 miles south, along Van Wyck Rd from Sun City Carolina Lakes and 1.25 mi. East of the Catawba River.

CONTACT INFORMATION

Applicant Name Carolina Ventures 1 LLC, Robert Turi

Address 1833 Tarrant City St

City Henderson State NV Zip 89052 Phone (760) 505-7968

Fax _____ Email bturi@summitlandgroup.com

Property Owner Name See attached list of property owners, parcel details, and signature pages

Address _____

City _____ State _____ Zip _____ Phone _____

Fax _____ Email _____

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 owners sign attached signature page

Property Owner(s)

Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

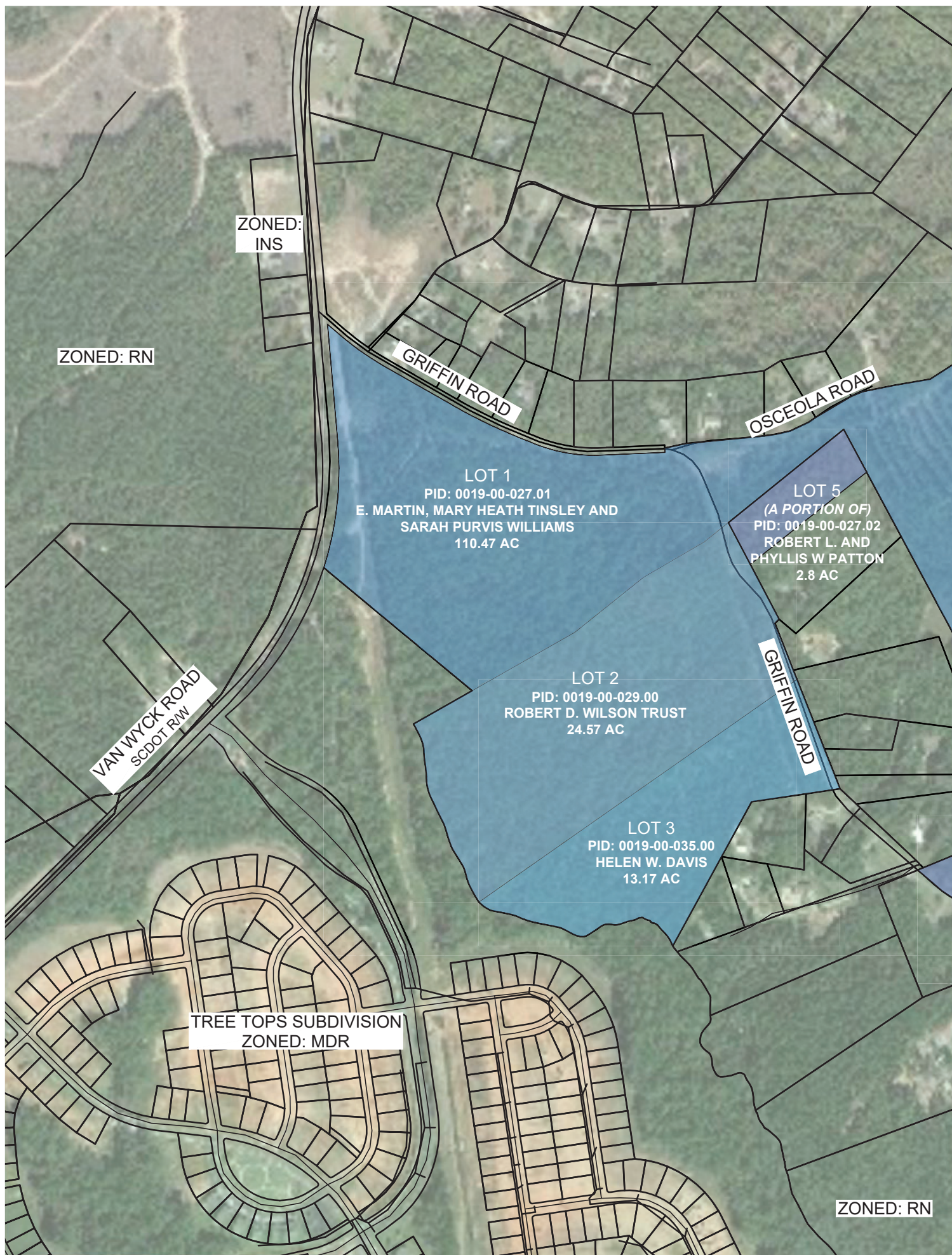
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

2. Planning Commission

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

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.



Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Elizabeth N. Martin

Property Owner(s) Signature

7-27-2020

Date

Elizabeth N. Martin

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-027.01**

Area: **110.47 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Mary Heath Tinsley (AKA Heath Purvis Tinsley) July, 24, 2020
Property Owner(s) Signature Date

Mary Heath Tinsley (AKA Heath Purvis Tinsley)

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-027.01**

Area: **110.47 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Sarah Purvis Williams

Property Owner(s) Signature

7/23/2020

Date

Sarah Purvis Williams

Property Owner(s) Print Name

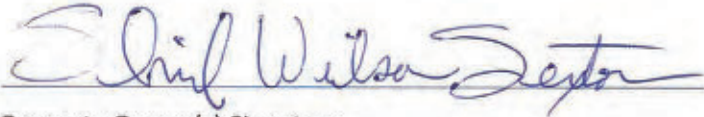
By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-027.01**

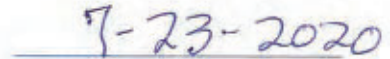
Area: **110.47 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.



Property Owner(s) Signature



Date

Shirley Sexton (Manager of Robert Wilson Trust)

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-029.00**

Area: **24.57 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Helen W. Davis by Sharon Brock 7/23/20
Property Owner(s) Signature Date

Helen W. Davis by Sharon Brock (Power of Attorney)

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-035.00**

Area: **13.17 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

MARGARET WILSON Margaret Wilson

Property Owner(s) Signature

7/24/2020

Date

Olin S Wilson Olin S. Wilson

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-025.00**

Area: **A portion of 10.4 ac – The area East of Griffin Road - Approx. 6 acres**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.



Property Owner(s) Signature

7-30-20

Date

Robert L Patton

Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-027.02**

Area: **approx 2.8 ac**

Zoning Map Amendment Signature Page

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, of the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Phyllis W. Patton
Property Owner(s) Signature

7-30-20
Date

Phyllis W. Patton
Property Owner(s) Print Name

By signing this application, I hereby give authorization to the applicant to proceed with re-zoning the property described as:

Parcel ID Number: **0019-00-027.02**

Area: **approx 2.8 ac**

Location Map

Map Date: August 26, 2020

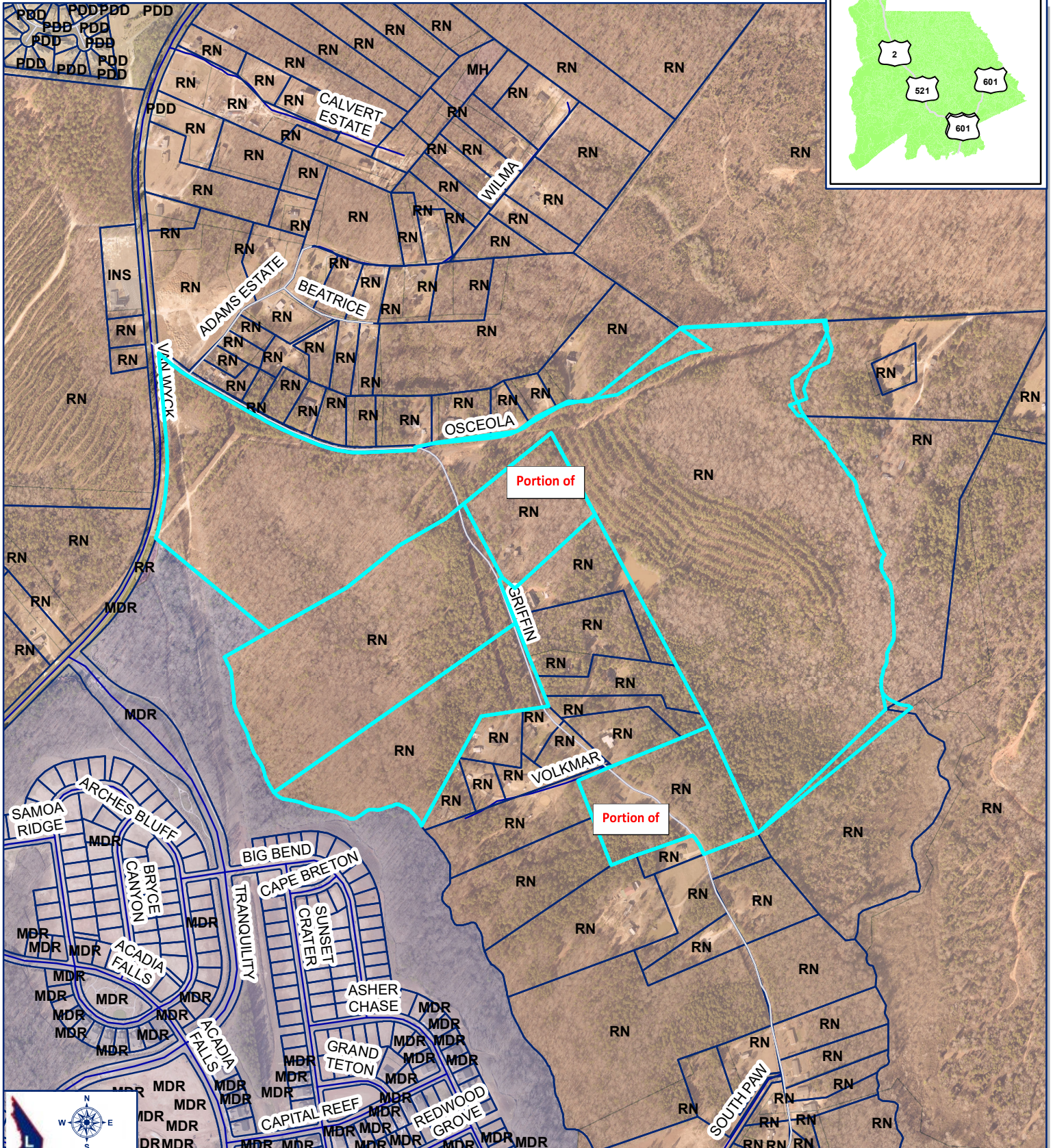
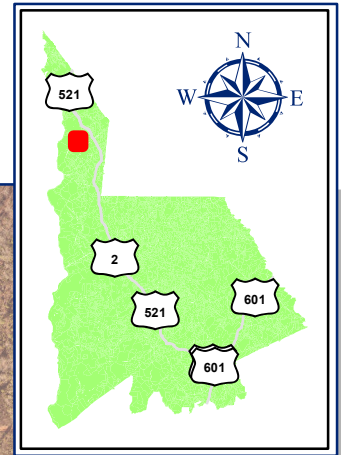
Map Created by: KS

Case Number: RZ-020-1750

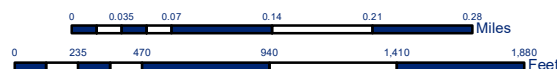
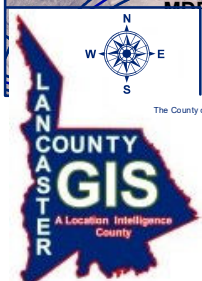
Proposal: Rezoning from RN to MDR

Tax Map #: 0019-00-027.01, 0019-00-029.00, 0019-00-035.00,
Portion of 0019-00-025.00, and Portion of 0019-00-027.02

Applicant: Carolina Ventures 1 LLC

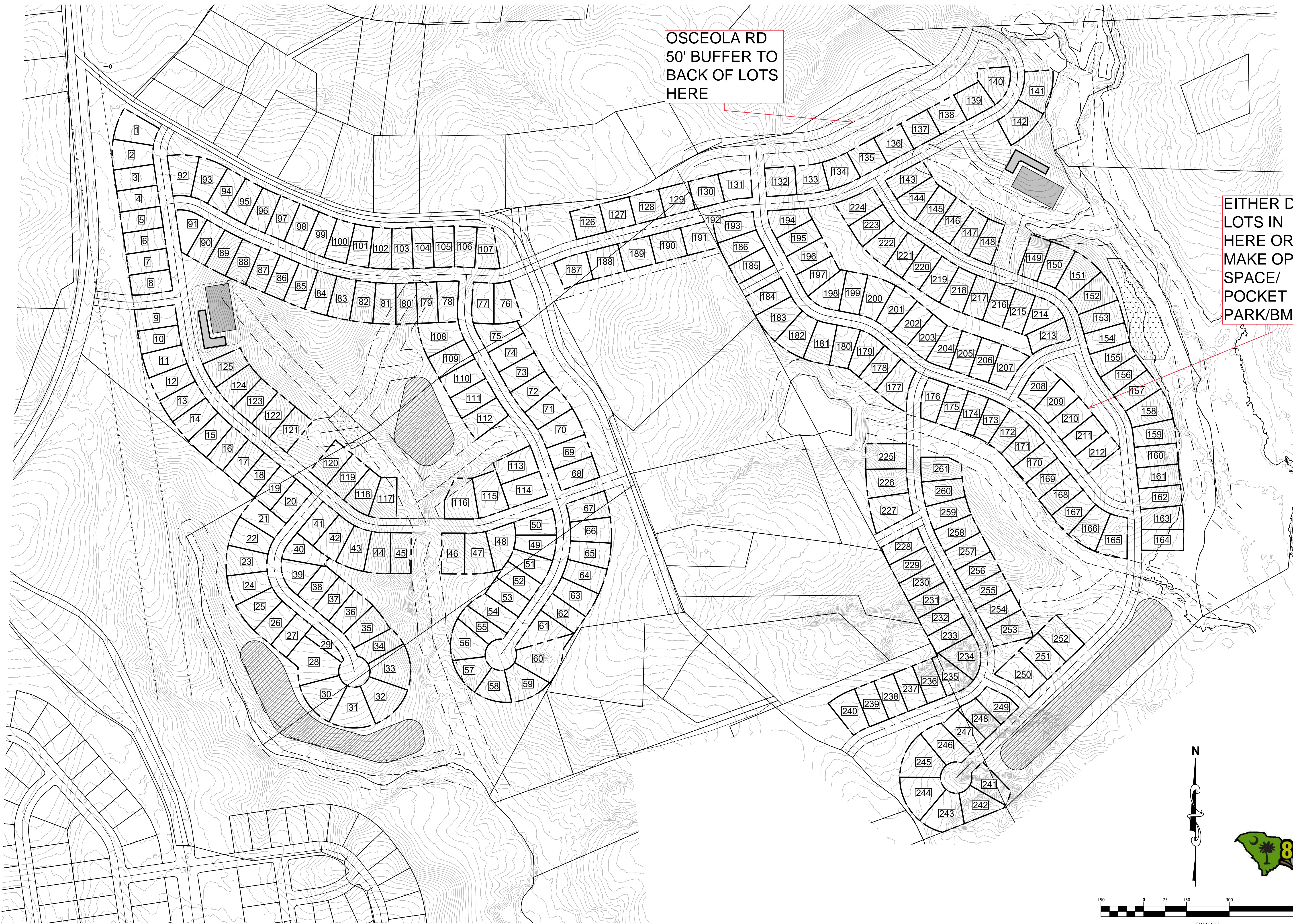


The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.



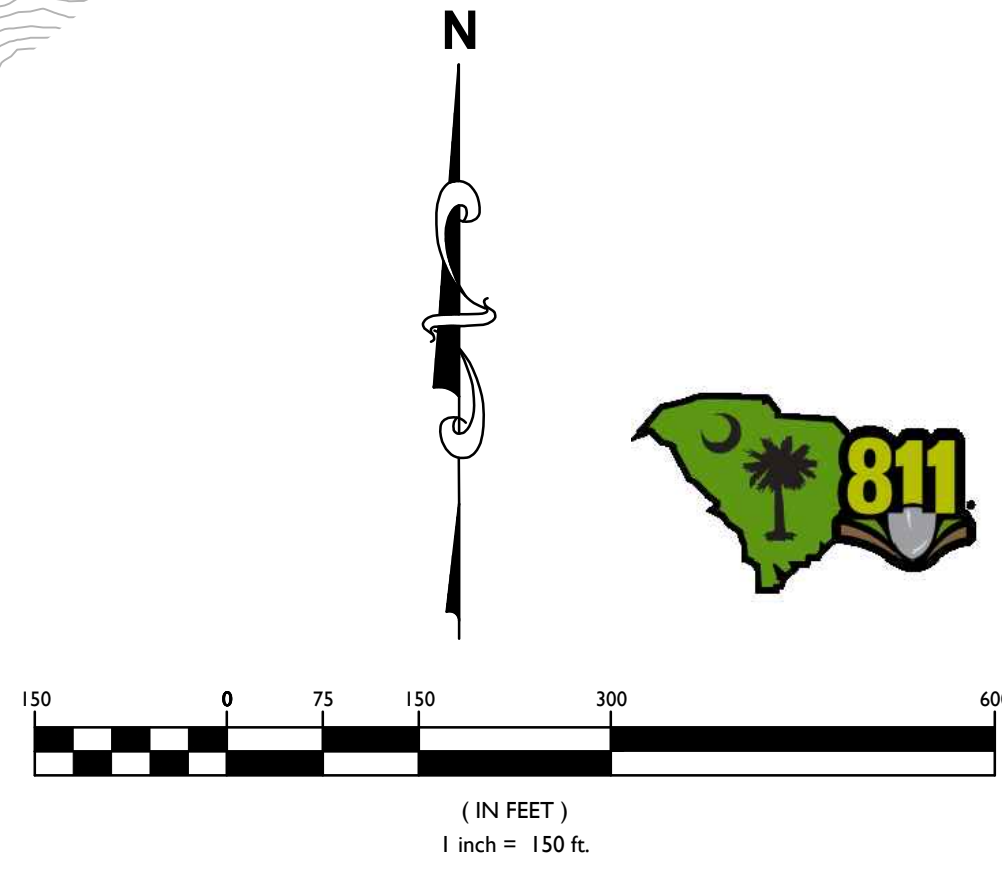
**RFATS Collector Street Plan
Dave Lyle Boulevard Extension
(purple dashed line)**





REVISIONS

THIS DRAWING IS THE PROPERTY OF PLOTT HOUND ENGINEERING AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.



Heath Tinsley
1595 Sailing Club Rd.
Camden, SC 29020

Lancaster County Planning Commission
Lancaster County Council Members
c/o Rox Burhans Development Director for Lancaster County

Dear Planning Commission:

My name is Heath Tinsley and I own property that is up for rezoning project number 20201750, R. Turi, Van Wyck Sub Rezone (rezoning case #RZ-020-1750). I write in support of the proposed rezoning. The current zoning designation is Rural Neighborhood and the proposed zoning is requested to be Medium Density Residential which is consistent with the bordering property referred to as the Tree Tops Development by Lennar .

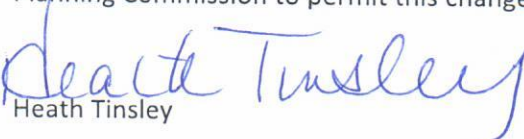
The SC Department of Transportation confirms that there is currently no approved project or plan to extend Dave Lyle Boulevard east, across the Catawba River, into Lancaster County And that Funding for such as Project is highly unlikely . The Dave Lyle Boulevard which SCDOT classifies as an Expressway appears on some dated long-term conceptual studies but is on the lower tier of potential projects to be funded by SCDOT.

Why is the County Planning department trying to wedge a 4 lane expressway into an existing residential area where people's lives will be deterentially affected by emissions from diesel semi-tractor-trailer rigs and thousands of vehicles travelling within a stones throw of homes not to mention the noise impacts. This does not even mention the fresh water springs, streams and wetlands in these areas where your proposed DLB roadway would be situated.

I would strongly recommend the DLB concept road be moved further South where the land south of the Railroad tracks is all Agricultural and rural large parcels and can easily plan for a 4 lane expressway without impacting existing residential neighborhoods as is proposed now by its current conceptual location.

This relocation of DLB will avoid adversely impacting property owners with nearer term development projects that will benefit Lancaster County much sooner.

I fully support the proposed zoning change to Medium Density Residential and respectfully urge the Planning Commission to permit this change, allowing the project to go forward.


Heath Tinsley

Lancaster County Landowner

September 2, 2020

Lancaster County Planning Commission
Lancaster County Council Members
c/o Rox Burhans
Development Director for Lancaster County

Dear Planning Commission,

I am Shirley Sexton, Trustee of the Robert D. Wilson, Sr. and Minnie Mae Wilson Land Trust that owns property on Griffin Road which is part of a planned development referred to as project number 20201750, R. Turi, Van Wyck Sub Rezone (rezoning case #RZ-020-1750, applicant Carolina Ventures 1 LLC).

I write in support of the proposed rezoning of the property on Griffin Road (parcel ID 0019-00-029.00). The current zoning designation is Rural Neighborhood (RN) and the proposed zoning is requested to be Medium Density Residential (MDR).

The SC Department of Transportation confirms that there is no near-term project or plan to extend Dave Lyle Boulevard east, across the Catawba River, into Lancaster County within the next ten years. If the concept of a Dave Lyle Boulevard extension appears on other long-term plans, then it is recommended the concept road be moved further South. This will avoid adversely impacting property owners with nearer term development projects that will benefit Lancaster County much sooner.

I fully support the proposed zoning change to Medium Density Residential and respectfully urge the Planning Commission to permit this change, allowing the project to go forward.

With Kind Regards,


Shirley Sexton

Trustee, Robert D. Wilson, Sr. and Minnie Mae Wilson Land Trust
132 Drake Hill Drive
Lexington, SC 29072

September 7, 2020

Lancaster County Planning Commission
Lancaster County Council Members
c/o Rox Burhans Development Director for Lancaster County

Dear Planning Commission:

I own property that is up for rezoning, project number 20201750, R. Turi, Van Wyck Sub Rezone (rezoning case #RZ-020-1750). I write in support of the proposed rezoning. The current zoning designation is Rural Neighborhood and the proposed zoning is requested to be Medium Density Residential which is consistent with the bordering property referred to as the Tree Tops Development by Lennar.

The requested zoning fits well with surrounding area developments. This area is flourishing with comfortable residential developments located close to the many commercial establishments to meet the needs of this community. A quiet community with just enough native habitat to enjoy a good quality of life.

Why in the world would the County Planning department try to squeeze a four lane expressway into an existing residential area? This community will be affected by many environmental impacts including emissions from diesel semi-tractor-trailer rigs and thousands of vehicles, not to mention the noise pollution of the additional traffic, and the destruction of many fresh water springs, streams and wetlands in this area. And worst of all, it will be an ugly gash in the connectivity of this existing community.

The Dave Lyle Boulevard is a huge dark cloud hanging over the heads of this community. Besides being a very low SC DOT priority and very very high dollar project, it is a project whose time has passed. Any future consideration of this highly unlikely project should be moved further south, south of the railroad tracks, to an area that is agricultural and has large rural parcels that can accommodate a four lane expressway without impacting existing residential neighborhoods.

I fully support the proposed zoning change to Medium Density Residential and respectfully urge the Planning Commission to permit this change.

Thank you for your consideration,



Sarah Williams, Lancaster County Landowner

1820 2nd Avenue, Camden SC 29020

From: [Rox Burhans](#)
To: [Katie See](#)
Subject: FW: [EXTERNAL] RZ-020-1750
Date: Friday, September 11, 2020 1:11:42 PM
Attachments: LCLogo c716c29e-f766-46c0-a18c-7d20f2fc6ebd.png

One more....



Rox Burhans, *Division Director*
Development Services Division
Lancaster County Government
P.O. Box 1809
Lancaster, SC 29720
P: (803) 285-6005 F: (877) 636-7963
rburhans@lanastersc.net

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

From: Elizabeth Martin [<mailto:dunbarhollow@gmail.com>]
Sent: Friday, September 11, 2020 1:03 PM
To: Rox Burhans <RBurhans@lanastersc.net>
Subject: [EXTERNAL] RZ-020-1750

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

My name is Elizabeth Nisbet Martin and I live in Kentucky. My 2 nieces who live in Camden and I own parcel #0019-00-027-01 which is part of the property in the above application. This property has been in our family since 1950. Because none of us live in the area, we feel we would like to sell it as part of the above development. It will make a nice development since it is surrounded by other developments and individual smaller parcels. My nieces and I love the Van Wyck area and own other property on the Van Wyck Road, but feel this is the best use for this particular piece of property. Our thoughts on the DLP are that it was proposed 20 plus years ago and it seems very doubtful that it will be built. The cost today would be prohibitive.

Thank you for your attention, Elizabeth Nisbet Martin

Sept. 11, 2020
Lancaster County Planning Dept.
101 N. Main St. Suite 108
P. O. Box 1809
Lancaster, S.C. 29721-1809

Application RZ-020-1750

My name is Elizabeth Nishet Martin and I live in Kentucky. My 2 nieces who live in Camden and I own parcel #0019-00-027.01 which is part of the property in the above application. This property has been in our family since 1950. Because none of us live in the area, we feel we would like to sell the property as part of the above development. It will make a nice development since it is surrounded by other developments and individual smaller parcels.

My nieces and I love the Van Wyck area and own other property on the Van Wyck Rd. but we feel this is the best use for this particular piece of property.

Our thoughts on the DLR is that it was proposed 20 plus years ago and it seems very doubtful that it will ever be built. The cost today would be prohibitive.

Thank you for your attention -
Elizabeth N. Martin

September 2, 2020

6507 Griffin Road

Lancaster, SC 29720

Planning Commission

Rox Burhans , Development Director for Lancaster County

Re: Project Number 20201750
R Turi - Van Wyck Sub Rezone
Griffin Road

Dear Mr. Burhans:

I am writing in support of the rezoning request captioned above. I am strongly against Dave Lyle Blvd. for this location as shown in the Southern Pan Handle Area plan.

I do not wish to see heavy traffic passing my home day and night. Progress will always continue in this area, but there are now so many residential communities here, that the peace and quiet enjoyment of this neighborhood would be completely disrupted by proceeding with DLB.

Please approve the project proposed above as this is the type of progress I would be in favor of .

Thank you,



Olin S. Wilson



Margaret T. Wilson

From: robert patton kocomow@icloud.com
Subject: Project Number 20201750 R.Turi-Van Wyck Sub Rezone
Date: September 3, 2020 at 1:19 PM
To: rburhans@lancastersc.net



September 3, 2020

Planning Commission
County Council Members
c/o Rox Burhans
Development Director for Lancaster County
P.O. Box 1809
Lancaster, S.C. 29720

Project Number 20201750
Project Name R.Turi-Van Wyck Sub Rezone
Location Griffin Road-Van Wyck
Stage Rezoning
Status Not approved

Dear Mr. Burhans:

We live on Griffin Road. We are adamantly against the Dave Lyle Boulevard project coming right through our neighborhood on Griffin Road. We do not want a major highway where thousands of cars, trucks, etc., will be flying by our home day and night.

We are very much in favor of moving forward with R.Turi-Van Wyck Sub Rezone. This would bring many homes to people who are moving into our area from all parts of the country during the situation with Covid. This project is desperately needed.

We would appreciate your consideration of moving forward with R. Turi-Van Wyck Sub Rezone, Griffin Road-Van Wyck.

Thanking you in advance.

Robert L. Patton

Phyllis W. Patton

September 9, 2020

Attn: Rox Burhans – Director
rburhans@lancastersc.net

Dear County Council and Members of Planning Commission,

I am writing on behalf of my Mother, Helen Davis, whose family has owned land on Griffin road for generations. We support the rezoning for the proposed project and feel it would add value to all the properties in the area.

However, we do not support, nor welcome, the proposed location of the Dave Lyle Boulevard in this residential area. We also thought that four lane highway project was rejected years ago after a corridor study was done.

Please respect the peace and quality of life that a four lane highway in the Van Wyck community would damage.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Brock".

Sharon Brock

The Lancaster News

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

PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission will conduct a public hearing on Tuesday, September 15, 2020 and the Lancaster County Council will conduct a public hearing on Monday, October 12, 2020. All hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Room 224, Lancaster, SC.

1. RZ-020-1750: Application by Carolina Ventures 1, LLC (Robert Turi) to rezone approximately 155 acres of land near Griffin, Osceola and Van Wyck Roads (TM#s 0019-00-029.00, 0019-00-035.00, 0019-00-027.01, Portion of 0019-00-025.00, Portion of 0019-00-027.02) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.
2. RZ-020-1895: Application by Mark Haldeman to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District.
3. UDO-TA-020-1898: Application by FC Indian Land, LLC (Daniel J. Ballou) to amend Unified Development Ordinance Chapters 5.2.8 and 10.3 to provide for use regulations and a definition for independent living facilities, as well as amending the definition for residential care facilities.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department, which is located at 101 North Main Street, Room 108 Lancaster, South Carolina. Persons

PHOTO SUPPLIED
Chester County Councilman Mike Vaughn, left, and
Great Falls Hometown Association Executive Director
Glinda Coleman show the location of some GFHTA
plans to Cynthia Curtis, Arras Foundation community
investment officer, during the Healthy Community
Grant workshop.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of *August 26, 2020*

Benita G. Gush

Notary Public of South Carolina

My Commission Expires
January 13, 2021

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1680/ Planning Case Number: RZ:020-1895

Contact Person / Sponsor: Robert G. Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Request to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District.

Points to Consider:

The subject property is currently zoned LDR District. Pursuant to UDO Chapter 2.3, the LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

UDO Chapter 2.3 describes the requested MDR District as having been *established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

The subject property is bordered by properties with zoning designations of either LDR District or GB District, as well as being within close proximity to properties within the MDR District.

The descriptions of the current LDR District and the proposed MDR District are virtually identical to one another with the noted exception of density. Accordingly, staff finds that the proposed rezoning of the property to MDR District is compatible with the surrounding area and consistent with UDO Section 2.3.

The Future Land Use Category of subject property is Neighborhood Mixed Use, which corresponds to the Community Type of Walkable Neighborhood. The adopted Comprehensive Plan establishes that the Walkable Neighborhood Community Type “is set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value.”

The Neighborhood Mixed Use Future Land Use Category, and by association the Walkable Neighborhood Community Type, extends across the entirety of the northern half of the peninsula. Because of this, the Neighborhood Mixed Use Future Land Use Category and Walkable Neighborhood Community Type are, by default, intended to be compatible with numerous zoning districts, including the proposed MDR District. Therefore, the proposed rezoning can be found to be consistent with the Comprehensive Plan.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

The Planning Commission voted 6-0 on September 15, 2020, to recommend **approval** of the rezoning request. Staff also recommended approval of the rezoning request.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1680	10/4/2020	Ordinance
Staff Report	9/8/2020	Planning Staff Report
Ex 1: Application	9/2/2020	Backup Material
Ex 2: Location Map / Zoning Map	9/2/2020	Backup Material
Public Hearing Notice for Ordinance 2020-1680 (Planning Department Case Number: RZ-020-1895)	10/5/2020	Public Hearing Notices

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2020-1680

COUNTY OF LANCASTER

(

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A 14.6 ACRE TRACT OF PROPERTY (TMS # 0002-00-008.00), OWNED BY MARK HALDEMAN, AND LOCATED ON THE WEST SIDE OF HARRISBURG ROAD, APPROXIMATELY 155 FEET NORTH OF LANCASHIRE DRIVE, INDIAN LAND, SOUTH CAROLINA, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT, TO MDR, MEDIUM 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) Mark Haldeman, applied to rezone 14.6 acres, more or less, located on the West Side of Harrisburg Road, approximately 155 feet north of Lancashire Drive, Indian Land, South Carolina (TMS No. 0002-00-008.00) from LDR, Low Density Residential District, to MDR, Medium Density Residential District.

(b) On September 15, 2020, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote recommended approval of the rezoning request.

(c) The Future Land Use Map identifies this property as Neighborhood Mixed-Use, based on the *Lancaster County Comprehensive Plan 2014-2024*. Rezoning the property from LDR, Low Density Residential District, to MDR, Medium Density Residential District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

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

Tax Map No. 0002-00-008.00 (14.6 acres, more or less)

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 _____, 2020.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Public Hearing: October 12, 2020
Second Reading: October 26, 2020
Third Reading: November 9, 2020

Approved as to form:

John DuBose, County Attorney

PROPOSAL: Request to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District

PROPERTY LOCATION: West side of Harrisburg Road, approximately 155 feet north of Lancashire Drive

CURRENT ZONING DISTRICT: Low Density Residential (LDR) District

PROPOSED ZONING DISTRICT: Medium Density Residential (MDR) District

APPLICANT: Mark Haldeman

COUNCIL DISTRICT: District 7, Brian Carnes

OVERVIEW:

Site Information

The approximately 14.6-acre property is currently vacant and zoned Low Density Residential (LDR) District. The applicant has submitted a request to rezone the property from LDR District to Medium Density Residential (MDR) District. This request was previously heard by the Planning Commission (as RZ-020-1180) at its meeting of July 21, 2020; however subsequent to this meeting a lot line adjustment between the subject property and an adjacent parcel on its southwest side (TM# 0002-00-008.01) was completed in order to provide improved access to the rear of the subject property; however this lot line adjustment also resulted in an overall loss of 1,724 square feet for the subject property. Given that the specifics of the property were changed, the request was required to be resubmitted, readvertised and reheard by the Planning Commission.

Summary of Adjacent Zoning and Uses

The property is surrounded predominantly by other LDR zoned properties; however the parcel is bounded on the north by a parcel zoned General Business (GB) District, and to the east across Harrisburg Road by both the Urban Residential (UR) and MDR Districts.

Adjacent Property	Municipality	Zoning District	Use
North	Lancaster County	GB	Vacant
South	Lancaster County	LDR	Single-Family Residential
East	Lancaster County	LDR/MDR/UR	Single-Family Residential
West	Lancaster County	LDR	Single-Family Residential

ANALYSIS & FINDINGS:

Zoning Districts

As previously noted, the subject property is currently zoned LDR District. Pursuant to UDO Chapter 2.3, the LDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development,*

these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Further, UDO Chapter 2.3 describes the requested MDR District *is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.*

Compatibility with Surrounding Area

As noted previously, the subject property is bordered by properties with a zoning designation of LDR District or GB District, as well as being within close proximity to properties within the MDR District.

The descriptions of the current LDR District and the proposed MDR District are virtually identical to one another with the noted exception of density. Accordingly, staff finds that the proposed rezoning of the property to MDR District is compatible with the surrounding area and consistent with UDO Section 2.3.

Comprehensive Plan Consistency

The Future Land Use Category of subject property is Neighborhood Mixed Use, which corresponds to the Community Type of Walkable Neighborhood. The adopted Comprehensive Plan establishes that the Walkable Neighborhood Community Type “is set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value.” The Comprehensive Plan further establishes several possible land use considerations representing typical development in the category which are depicted in the table below.

The Neighborhood Mixed Use Future Land Use Category, and by association the Walkable Neighborhood Community Type, extends across the entirety of the northern half of the peninsula. Because of this, the Neighborhood Mixed Use Future Land Use Category and Walkable Neighborhood Community Type are, by default, intended to be compatible with numerous zoning districts, including the proposed MDR District. Therefore, the proposed rezoning can be found to be consistent with the Comprehensive Plan.

Neighborhood Mixed Use: Land Use Considerations		
Church	Community Park / Pocket Park	Condominium Apartment
Government Building	Natural Area	Neighborhood Commercial
Professional Office	Restaurant	School
Single-Family Detached Home	Single-Family Attached Home (Townhome/Duplex)	

PHOTOS OF PROJECT AREA:



Looking west at southernmost portion of subject property visible from Harrisburg Road



Looking east across Harrisburg Road from southernmost portion of subject property



Looking southeast across Old Hickory Road from intersection of W North Corner Road



Looking north across Old Hickory Road

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District pursuant to the following findings of fact:

1. That the subject property is currently zoned LDR District and proposed to be rezoned MDR District;
2. That the subject property has a Future Land Use designation of Neighborhood Mixed Use, and a Community Type of Walkable Neighborhood;
3. That the proposed MDR District is generally consistent with the Neighborhood Mixed Use Future Land Use designation; and,

4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of LDR, MDR and GB Districts.
-

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net | 803-416-9394

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address 11727 Harrisburg Road
City Indian Land State SC Zip 29707 Tax Parcel ID 0002-00-008.00
Current Zoning LDR Current Use NQRes (NRN) 5 acres, Land Only (NLN) 9.6 acres
Proposed Zoning MDR Total Acres 14.61 acres

Project Description A Minor Subdivision will be requested to create 5 lots from 14.6 acres. One new house with an autonomous basement will be built on each lot. MDR zoning is required to allow these houses with basements to be vertical duplexes.

Surrounding Property Description The Northern tip of Lancaster is mostly MDR. We have 250 acres of MDR and 50 acres of GB North of us, 32 acres of MDR and 90 acres of UR East of us, 300 acres of MDR, 32 LI, and 11 INS South of us, and 150 acres of LDR mostly SW of us.

CONTACT INFORMATION

Applicant Name Mark Haldeman
Address 11727 Harrisburg Road
City Lancaster State SC Zip 29707 Phone 980-210-7562
Fax _____ Email mmhaldeman@gmail.com
Property Owner Name Mark Haldeman and James Haldeman
Address 11727 Harrisburg Road
City Lancaster State SC Zip 29707 Phone 980-210-7562
Fax _____ Email mmhaldeman@gmail.com

See
attached
map.

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.

Mark M. Haldeman
Applicant

5/21/2020
Date

Mark M. Haldeman, James Haldeman
Property Owner(s)

5-21-20
Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

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

2. Planning Commission

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

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.
- If applicant would like to request a special presentation, please notify the County Clerk @ (803) 416-9307 before 5:00pm on the first Monday of the month to make arrangements.

Return to:
LANDO LAW FIRM, LLC
6277-600 Carolina Commons Drive
PMB #210
Indian Land, SC 29707

2019004124

DEED
RECORDING FEES \$10.00
STATE TAX \$1027.00
COUNTY TAX \$434.50

PRESENTED & RECORDED:

03-27-2019 11:43 AM

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

BK: DEED 1220

PG: 149-150

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, THAT on March 22, 2019, **Estate of Nancy K. Giles ("GRANTOR")** in the State and County aforesaid, for and in consideration of the sum of **Three Hundred Ninety Five Thousand and 00/DOLLARS (U.S.) (\$395,000.00)** to it in hand paid at and before the sealing of these presents by **Mark Haldeman and James Haldeman, as joint tenants with right of survivorship and not as tenants in common, ("GRANTEE")**, of 11727 Harrisburg Road, Indian Land, SC 29707 in the State aforesaid for which the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said GRANTEE, his heirs and assigns, forever, as joint tenants with right of survivorship and not as tenants in common, the following described real property, to wit:

All that certain piece, parcel or tract of land lying, being and situated in Indian Land Township, Lancaster County, South Carolina, and being more particularly described as follows: BEGINNING at a stake on County Road and running thence N 73 30 W 467 feet to a stake; thence N 16 30 E 467 feet to a stake; thence S 73 30 E 467 feet to a stake; thence S 16 30 W 467 feet to a stake on County Road, the point of beginning. Said tract herein conveyed being bounded on the North, West and South by lands of the grantor, and on the East by County Road. Said tract herein conveyed being even more specifically shown on plat prepared by E. S. Clyburn on August 17, 1952, and showing property of JAMES J. KEEFFE. Said plat recorded in the Office of the Clerk of Court for Lancaster County, South Carolina. Being the identical tract conveyed by J. J. Keffe to Woodrow W. Keffe by deed dated August 22, 1952, recorded August 27, 1952, in Deed Book F-4, Page 81.

DERIVATION: This being the identical property conveyed to Nancy K. Giles by deed of the Estate of Brice Eugene Giles, Sr. dated November 27, 2007 and recorded November 28, 2007, in Book 436, Page 221, in the Lancaster County Register of Deeds Office.

Property Address: 11727 Harrisburg Road, Indian Land, SC 29707

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

APPROVED & RECORDED

2-8.00

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said GRANTEE his heirs and assigns, forever, as joint tenants with right of survivorship and not as tenants in common.

AND, the GRANTOR does hereby bind itself and its Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said GRANTEE, his heirs and assigns, forever, as joint tenants with right of survivorship and not as tenants in common, against its Successors and Assigns, and all persons whomsoever now and hereafter lawfully claiming, or to claim the same or any part thereof.

WITNESS Grantor's hand and Seal this 22 day of march, 2019.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESSES:

Allen G. Best
Signature 1st Witness

Jillian Walters
Signature 2nd Witness &/or Notary Public

GRANTOR:

Terri Giles Shuler Personal Representative
Estate of Nancy K. Giles
By: Terri Giles Shuler, Personal Representative

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

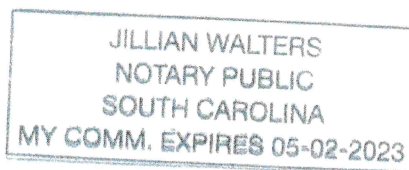
ACKNOWLEDGMENT

I, the undersigned Notary Public do certify *Terri Giles Shuler, Personal Representative of the Estate of Nancy K. Giles* personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my official seal this the 22 day of march, 2019.

Allen G. Best
1st Witness

Jillian Walters
Notary Public for South Carolina
My Commission Expires: _____



Location Map

Case Number: RZ-020-1895

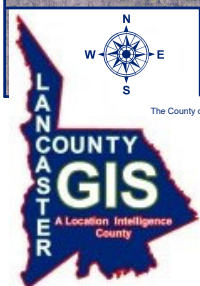
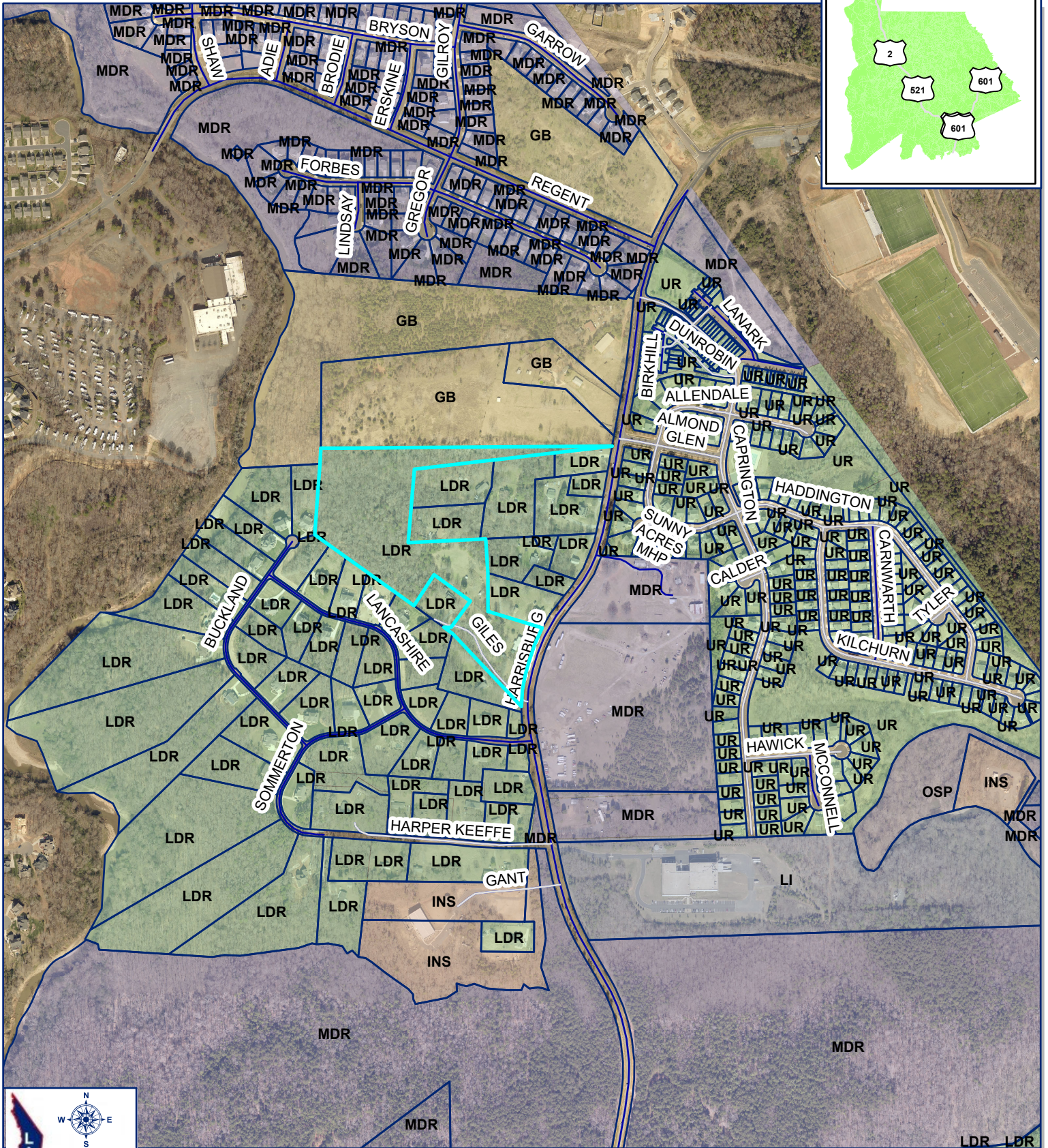
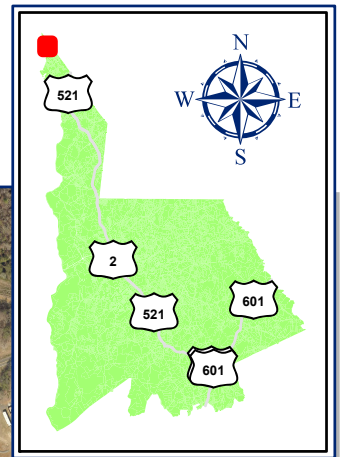
Proposal: Rezoning from LDR to MDR

Tax Map #: 0020-00-008.00

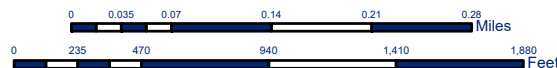
Applicant: Mark Haldeman

Map Date: August 24, 2020

Map Created by: RT



The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.



The Lancaster News

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

PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission will conduct a public hearing on Tuesday, September 15, 2020 and the Lancaster County Council will conduct a public hearing on Monday, October 12, 2020. All hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Room 224, Lancaster, SC.

1. RZ-020-1750: Application by Carolina Ventures 1, LLC (Robert Turi) to rezone approximately 155 acres of land near Griffin, Osceola and Van Wyck Roads (TM#s 0019-00-029.00, 0019-00-035.00, 0019-00-027.01, Portion of 0019-00-025.00, Portion of 0019-00-027.02) from Rural Neighborhood (RN) District to Medium Density Residential (MDR) District.
2. RZ-020-1895: Application by Mark Haldeman to rezone approximately 14.6 acres of land along Harrisburg Road (TM# 0002-00-008.00) from Low Density Residential (LDR) District to Medium Density Residential (MDR) District.
3. UDO-TA-020-1898: Application by FC Indian Land, LLC (Daniel J. Ballou) to amend Unified Development Ordinance Chapters 5.2.8 and 10.3 to provide for use regulations and a definition for independent living facilities, as well as amending the definition for residential care facilities.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department, which is located at 101 North Main Street, Room 108 Lancaster, South Carolina. Persons

PHOTO SUPPLIED
Chester County Councilman Mike Vaughn, left, and
Great Falls Hometown Association Executive Director
Glinda Coleman show the location of some GFHTA
plans to Cynthia Curtis, Arras Foundation community
investment officer, during the Healthy Community
Grant workshop.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of *August 26, 2020*

Benita G. Gush

Notary Public of South Carolina

My Commission Expires
January 13, 2021

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1692
Contact Person / Sponsor: Jamie Gilbert / Economic Development
Department: Economic Development
Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Synergy Steel Holdings, Inc. has asked to add second amendment their existing fee agreement with the County to include their division engineering and research division SynTech Design, LLC, which is relocating and expanding from Charlotte to 1041 Red Ventures Drive in Indian Land. The project will result in 20 new jobs (11 will be new hires) coming to Lancaster County and a capital investment of \$495,000.

The request provides a second amendment to Synergy Steel Holdings, Inc. existing fee agreement. In December 2019 the first amendment to the agreement added the names of several holding companies that have an interest in the project. The requested amendment allows Syntech Design, LLC to receive the personal property tax incentive benefits of the original fee agreement.

Points to Consider:

The ordinance and second amendment allows SynTech Design to be included in the fee agreement and to receive the benefits for their personal property investment. The request is procedural and consistent with providing the agreed upon property tax incentives to the company.

Funding and Liability Factors:

There are no funding or liability factors.

Council Options:

County Council can approve, amend and approve, table or decline the ordinance and amendment.

Recommendation:

Economic Development recommends County Council approve the ordinance and agreement.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1692	10/6/2020	Ordinance
Exhibit A to Ordinance 2020-1692 - Second Amendment to SSRC Agreement	10/6/2020	Amendment

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2020-1692

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AUTHORIZE THE EXECUTION AND DELIVERY OF THE SECOND AMENDMENT TO SPECIAL SOURCE REVENUE CREDIT AGREEMENT, BY AND BETWEEN LANCASTER COUNTY AND SYNERGY STEEL HOLDINGS, INC. AND ENTITIES RELATED TO SYNERGY STEEL HOLDINGS, INC., SO AS TO, AMONG OTHER THINGS, ADD SYNTECH DESIGN, LLC AS A PARTY TO THE SPECIAL SOURCE REVENUE CREDIT AGREEMENT.

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

Section 1. Findings.

The Council finds that:

(a) The County is authorized by Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended and Article VIII, Section 13(D) of the South Carolina Constitution (the “MCP Laws”) and by Sections 4-1-175, 4-29-68 and 12-44-70, Code of Laws of South Carolina 1976, as amended (the “SSRC Law”) (collectively, the MCP Laws and SSRC Law are referred to as the “Acts”) to (i) create multi-county industrial parks in partnership with contiguous counties, (ii) include the property of eligible companies within such parks as an inducement to locate within the County, which inclusion under the terms of the MCP Laws makes such property exempt from *ad valorem* property taxes, therefore changing the character of the annual receipts from such properties from *ad valorem* property taxes to fees-in-lieu of *ad valorem* property taxes, and (iii) grant an annual credit against such fee-in-lieu of tax receipts in order to assist a company in paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the property of any company located within such multi-county industrial parks or for improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise located within such multi-county parks in order to enhance the economic development of the County;

(b) Pursuant to the Acts, the County, Synergy Steel Holdings, Inc., and Golden Spike, LLC, entered into a Special Source Revenue Credit Agreement, dated August 27, 2018 (the “Original SSRC Agreement”);

(c) Subsequent to the approval of the Original SSRC Agreement, the County and the parties to the Original SSRC Agreement approved the First Amendment to SSRC Agreement, dated December 9, 2020 (the “First Amendment”) (collectively, the Original SSRC Agreement as amended by the First Amendment are referred to the “SSRC Agreement”). Among other things, the First Amendment (i) approved the assignment of Synergy Steel Holdings, Inc.’s interest in the SSRC Agreement to Synergy Manufacturing, LLC, Synergy Construction, LLC, and Synergy Insulation, LLC, (the “Synergy Entities”), (ii) approved the assignment of Golden Spike, LLC’s interest in the SSRC Agreement to BMI Properties,

LLC (“BMI”) as “Landlord”, and (iii) approved the Synergy Entities and BMI as parties to the SSRC Agreement;

(d) Synergy Steel Holdings, Inc., and the Synergy Entities, have requested that the County approve the addition of SynTech Design, LLC (“SynTech Design”), a North Carolina limited liability company and an affiliate of Synergy Steel Holding, Inc., as a party to the SSRC Agreement in connection with the relocation of SynTech Design to the County, which is anticipated to result in the leasing of real estate, the creation of approximately twenty (20) additional full-time jobs and \$459,000 of investment in the County over the next five (5) years (the “SynTech Design Project”);

(e) Synergy Steel Holdings, Inc., and the Synergy Entities, have also requested that the County add the land on which the SynTech Design Project is located to a multicounty industrial park agreement;

(f) Section 9.5 of the SSRC Agreement provides that the SSRC Agreement may be amended, changed or modified with the written consent of the parties to the SSRC Agreement; and

(g) Synergy Steel Holdings, Inc. and the Synergy Entities have caused to be prepared and presented to the Council the form of an amendment to the SSRC Agreement and it appears that the amendment, which is attached to this ordinance as Exhibit A, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended (the “Second Amendment to SSRC Agreement”).

Section 2. Approval of Second Amendment.

Subject to the provisions of Section 4 of this ordinance, and, in order to promote industry, develop trade, and utilize and employ the workforce, products, and natural resources of the State by assisting in the expansion and/or location of an industrial or commercial facility in the State, the Second Amendment to SSRC Agreement is authorized, ratified, and approved.

Section 3. Statutory Findings.

Council makes the following additional findings:

(a) The County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.

(b) The SynTech Design Project and the Second Amendment to SSRC Agreement are anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally and is of substantial public benefit in that it encourages the Company to remain in the County and to make additional investments in the County.

(c) The SynTech Design Project and the Second Amendment to SSRC Agreement give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

(d) The purposes to be accomplished by the SynTech Design Project and the Second Amendment to SSRC Agreement, *i.e.*, economic development and addition to the tax base of the County, are proper governmental and public purposes.

(e) The inducement of the retention or expansion of the SynTech Design Project within the County and State is of paramount importance.

(f) The benefits of the SynTech Design Project and the Second Amendment to SSRC Agreement to the public will be greater than the costs to the public.

Section 4. Approval and Execution of Second Amendment.

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

Section 5. Authority to Act.

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

Section 6. 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 7. Controlling Provisions.

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

Section 8. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Second Reading: October 26, 2020
Public Hearing: November 9, 2020
Third Reading: November 9, 2020

Approved as to form:

John K. DuBose, III, County Attorney

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Exhibit A to Ordinance No. 2020-1692

Second Amendment to SSRC Agreement

See attached.

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SECOND AMENDMENT TO SSRC AGREEMENT

This SECOND AMENDMENT TO SSRC AGREEMENT (the “Second Amendment”) is dated this 9th day of November, 2020, by and among LANCASTER COUNTY, SOUTH CAROLINA (the “County”), a body politic and corporate and political subdivision of the State of South Carolina (the “State”), acting by and through its County Council (the “County Council”) as governing body of the County, SYNERGY STEEL HOLDINGS, INC., a South Carolina corporation (“Synergy Holdings”), SYNERGY MANUFACTURING, LLC, a South Carolina limited liability company (“Synergy Manufacturing”), SYNERGY CONSTRUCTION, LLC, South Carolina limited liability company (“Synergy Construction”), SYNERGY INSULATION, LLC, South Carolina limited liability company (“Synergy Insulation”), BMI PROPERTIES, LLC, South Carolina limited liability company (“Landlord” or “BMI”) and SYNTECH DESIGN, LLC, a North Carolina limited liability company (“SynTech Design”) (collectively, Synergy Holdings, Synergy Manufacturing, Synergy Construction, and Synergy Insulation are referred to as the Synergy Entities”),

WITNESSETH:

WHEREAS, the County is authorized by Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended and Article VIII, Section 13(D) of the South Carolina Constitution (the “MCP Laws”) and by Sections 4-1-175, 4-29-68 and 12-44-70, Code of Laws of South Carolina 1976, as amended (the “SSRC Law”) (collectively, the MCP Laws and SSRC Law are referred to as the “Acts”) to (i) create multi-county industrial parks in partnership with contiguous counties, (ii) include the property of eligible companies within such parks as an inducement to locate within the County, which inclusion under the terms of the MCP Laws makes such property exempt from *ad valorem* property taxes, therefore changing the character of the annual receipts from such properties from *ad valorem* property taxes to fees-in-lieu of *ad valorem* property taxes, and (iii) grant an annual credit against such fee-in-lieu of *ad valorem* tax receipts in order to assist a company in paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the property of any company located within such multi-county industrial parks or for improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise located within such multi-county parks in order to enhance the economic development of the County;

WHEREAS, the County, Synergy Holdings and Golden Spike, LLC, a South Carolina limited liability company (“Golden Spike as Landlord”) entered into a Special Source Revenue Credit Agreement, dated August 27, 2018 (the “SSRC Agreement”), as an incentive for Synergy Holdings and Golden Spike as Landlord to invest in the location of a facility in the County and to create new jobs (the “Project”);

WHEREAS, County, Synergy Holdings, Synergy Manufacturing, Synergy Construction, Synergy Insulation, Golden Spike as Landlord, and BMI Properties, LLC, as successor to Golden Spike as Landlord, approved the First Amendment to SSRC Agreement, dated December 9, 2019 (the “First Amendment”) that, among other things, (i) added as parties to the SSRC Agreement Synergy Manufacturing, Synergy Construction, Synergy Insulation, and BMI, (ii) acknowledged

the County's consent to the assignment or transfer of Synergy Holding's interest in the SSRC Agreement to Synergy Manufacturing, Synergy Construction, Synergy Insulation and the assignment of Golden Spike as Landlord's interest in the SSRC Agreement to BMI; and (iii) provided for the election of certain entities to include certain personal property in the definition of "Infrastructure Improvements";

WHEREAS, SynTech Design, an affiliate of the Synergy Entities, desires to become a party to the SSRC Agreement in connection with the relocation and expansion of SynTech Design's operations to the County at 1041 Red Ventures Drive (Tax Map No. 0005-00-109.00) (the "SynTech Design Project") and the County desires to provide an incentive to SynTech Design for the SynTech Design Project by allowing SynTech Design to become a party to the SSRC Agreement; and

WHEREAS, Section 9.5 of the SSRC Agreement provides that the SSRC Agreement may be amended, changed or modified with the written consent of the parties to the SSRC Agreement.

NOW, THEREFORE, in view of the respective agreements contained in this Second Amendment and other consideration, the parties hereby agree as follows:

SECTION 1. ADDITION OF PARTY.

Effective with property tax year 2021 (the tax year in which fee-in-lieu of *ad valorem* property tax payments are due without penalty by January 15, 2022), SynTech Design is added as a party to the SSRC Agreement. SynTech Design is entitled to the benefits of the SSRC Agreement and is responsible for the burdens of the SSRC Agreement.

SECTION 2. DEFINITIONS.

A. The definitions in Section 1.2 of the SSRC Agreement for "Company" (as last amended by the First Amendment), "Landlord" (as last amended by the First Amendment), and "Project" are amended to read:

"'Company' means (i) Synergy Holdings, (ii) Synergy Manufacturing, (iii) Synergy Construction, (iv) Synergy Insulation, and (v) SynTech Design, *provided, however*, that for purposes of Section 4.2(b) and Section 4.3(a) through (d), 'Company' does not include SynTech Design."

"'Landlord' means BMI Properties, LLC, a South Carolina limited liability company, and its successors and assigns, that is the owner of the Real Property."

"'Project' means the Equipment, Improvements, and Real Property owned or leased by the Company. For purposes of Section 4.2(a), 'Project' includes the SynTech Design Project."

B. The definitions in Section 1.2 of the SSRC Agreement are amended by adding:

“‘Synergy Construction’ means Synergy Construction, LLC, a South Carolina limited liability company, and its successors and assigns.”

“‘Synergy Holdings’ means Synergy Steel Holdings, Inc., a South Carolina corporation, and its successors and assigns.”

“‘Synergy Insulation’ means Synergy Insulation, LLC, a South Carolina limited liability company, and its successors and assigns.”

“‘Synergy Manufacturing’ means Synergy Manufacturing, LLC, a South Carolina limited liability company, and its successors and assigns.”

“‘SynTech Design’ means SynTech Design, LLC, a North Carolina limited liability company, and its successors and assigns.”

“‘SynTech Design Project’ means the relocation and expansion of SynTech Design’s operations to 1041 Red Ventures Drive (Tax Map No. 0005-00-109.00).”

SECTION 3. MULTI-COUNTY PARK COVENANT.

Section 3.2 of the SSRC Agreement, relating to Covenants by the County, is amended to read:

“A. The County covenants with the Company to maintain the Land in the Park for so long as the Company receives Special Source Revenue Credits pursuant to this Agreement.

B. The County covenants with SynTech Design to maintain the property on which the SynTech Design Project is located, identified as Tax Map No. 0005-00-109.00 with a physical address of 1041 Red Ventures Drive, in the Park for so long as SynTech Design receives Special Source Revenue Credits pursuant to this Agreement.”

SECTION 4. SPECIAL SOURCE REVENUE CREDIT.

The opening portion of Section 4.2(a) of the SSRC Agreement, relating to Special Source Revenue Credits, is amended to read:

“The Company shall receive a Special Source Revenue Credit for personal property in each of the first twenty years of the Project as follows (SynTech Design shall receive the same Special Source Revenue Credit for personal property for the SynTech Design Project only in those same years that the Company may receive a Special Source Revenue Credit):”

SECTION 5. NOTICE ADDRESSES

Section 9.1 of the SSRC Agreement, relating to Notices, as last amended by Section 5 of the First Amendment, is amended to read:

“All notices, approvals, consents, requests and other communications hereunder shall be in writing and may be delivered personally, or may be sent by certified mail, return receipt requested, to the following addresses, unless the parties are subsequently notified of any change of address in accordance with this Section 9.1:

If to Company:

Synergy Steel Holdings, Inc.
1312 Camp Creek Road
Lancaster, SC 29720

Synergy Manufacturing, LLC
1312 Camp Creek Road
Lancaster, SC 29720

Synergy Construction, LLC
1312 Camp Creek Road
Lancaster, SC 29720

Synergy Insulation, LLC
1312 Camp Creek Road
Lancaster, SC 29720

With a copy to:

Nelson Mullins Riley & Scarborough, LLP
Attn: Edward Kluiters
1320 Main Street, 17th Floor
Columbia, SC 29211

If to Landlord:

BMI Properties, LLC
1312 Camp Creek Road
Lancaster, SC 29720

If to SynTech Design:

SynTech Design, LLC

If to the County:

County of Lancaster, South Carolina
ATTN: Steve Willis, County Administrator

101 N. Main St. (29720)
P.O. Box 1809 (29721-1809)
Lancaster, South Carolina
Phone: (803) 416-9300
Email: swillis@lancastercountysc.net

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

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

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

SECTION 6. PERSONAL PROPERTY

Pursuant to Section 1.2 of the SSRC Agreement, definition of “Infrastructure Improvements,” SynTech Design elects to include personal property, including Equipment as defined in the SSRC Agreement, in the definition of “Infrastructure Improvements.” County acknowledges and agrees that this Section 6 constitutes written notice by SynTech Design of the election to include the personal property and Equipment in the definition of “Infrastructure Improvements.”

SECTION 7. REPRESENTATIONS.

A. The County represents that it has approved this Second Amendment by adoption of Ordinance No. 2020-____ and in accordance with the procedural requirements of the County Council and any other applicable law.

B. Synergy Holdings, Synergy Manufacturing, Synergy Construction, and Synergy Insulation, each, represent that (i) it is a corporation or limited liability company organized, validly existing, and in good standing under the laws of South Carolina, (ii) it has the power to enter into this Second Amendment, (iii) it has by proper action approved this Second Amendment, and (iv) it has authorized its officials to execute and deliver this Second Amendment.

C. BMI, as “Landlord” under the SSRC Agreement, represents that (i) it is a limited liability company organized, validly existing, and in good standing under the laws of South Carolina, (ii) it has the power to enter into this Second Amendment, (iii) it has by proper action approved this Second Amendment, and (iv) it has authorized its officials to execute and deliver this Second Amendment. BMI represents and covenants that it will pass on any savings resulting from the SSRC Agreement, as amended by the First Amendment and this Second Amendment, to the

Synergy Entities and SynTech Design, it being agreed by BMI that the incentives provided for in the SSRC Agreement, as amended by the First Amendment and this Second Amendment, are in consideration for the Synergy Entities and SynTech Design investing in the County.

D. SynTech Design represents that (i) it is a limited liability company organized, validly existing, and in good standing under the laws of North Carolina, (ii) it is authorized under the laws of South Carolina to conduct business in South Carolina, (iii) it has the power to enter into this Second Amendment, (iv) it has by proper action approved this Second Amendment, and (v) it has authorized its officials to execute and deliver this Second Amendment.

SECTION 8. SSRC AGREEMENT.

Upon execution of this Second Amendment by the parties, the SSRC Agreement consists of (i) the Special Source Revenue Credit Agreement, dated August 27, 2018, (ii) the First Amendment to SSRC Agreement, dated December 9, 2019, and (iii) this Second Amendment to SSRC Agreement, dated November 9, 2020. The SSRC Agreement, as amended by the First Amendment to SSRC Agreement and this Second Amendment to SSRC Agreement, is in full force and effect as of the date of the Second Amendment to SSRC Agreement.

SECTION 9. COUNTERPARTS.

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

SECTION 10. EFFECTIVE DATE.

This Second Amendment is effective as of the date first above written.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date first above written.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
Steve Harper, Chair, County Council

By: _____
Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

COMPANY SIGNATURES FOLLOW ON NEXT PAGE.

SYNTECH DESIGN, LLC

By: _____

Name: _____

Title: _____

SYNERGY STEEL HOLDINGS, INC.

By: _____

Name: _____

Title: _____

SYNERGY MANUFACTURING, LLC

By: _____

Name: _____

Title: _____

SYNERGY CONSTRUCTION, LLC

By: _____

Name: _____

Title: _____

SYNERGY INSULATION, LLC

By: _____

Name: _____

Title: _____

BMI PROPERTIES, LLC

By: _____

Name: _____

Title: _____

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1115-R2020

Contact Person / Sponsor: Jamie Gilbert/Economic Development and John DuBose/County Attorney

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

To approve the designation of Ivadale Farms, LLC as a Sponsor Affiliate under the Crown Solar Fee Agreement.

Points to Consider:

On April 8, 2019, Council approved Ordinance No. 2019-1578, an ordinance that approved a fee-in-lieu of tax agreement (the “Fee Agreement”) between the County and Crown Solar. Under the Fee Agreement, Crown Solar is identified as the “Sponsor.”

Crown Solar seeks to designate the owner of the land on which the Project is located, Ivadale Farms, LLC, a South Carolina limited liability company, as a Sponsor Affiliate under the Fee Agreement (the “Sponsor Affiliate”). A Sponsor Affiliate is an entity that joins with or is an affiliate of the project sponsor and that participates in the investment in, or financing of, the project.

State law (Section 12-44-130) allows for the designation of a “Sponsor Affiliate” for a Fee Agreement. In addition, Section 8.04 of the Crown Solar Fee Agreement, among other things, provides for the addition of a Sponsor Affiliate to the Fee Agreement with Council’s approval, which shall be evidenced by passage of a resolution.

Crown Solar’s Request

Crown Solar requests Council to approve the attached resolution that approves the designation of Ivadale Farms, LLC, as a Sponsor Affiliate under the Crown Solar Fee Agreement.

The attached resolution approves the designation and authorizes the officials of the County to take any actions necessary to make the designation effective.

Funding and Liability Factors:

N/A

Council Options:

To approve or reject the Resolution.

Recommendation:

Approve the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1115-R2020	10/5/2020	Resolution

Section 3. Authority to Act.

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

Section 4. Severability.

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

Section 5. Controlling Provisions.

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

Section 6. Effective Date.

This resolution takes effect upon its adoption.

AND IT IS SO RESOLVED

Adopted this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose III, County Attorney

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Exhibit A to Resolution No. 1115-R2020

**Joinder Agreement
Between
Crown Solar Center, LLC and Ivadale Farms, LLC**

Reference is hereby made to that certain Fee Agreement dated as of April 8, 2019, (“Fee Agreement”), between Lancaster County, South Carolina (“County”) and Crown Solar Center, LLC (“Company”).

1. Joinder to Fee Agreement.

Ivadale Farms, LLC, a South Carolina limited liability company (“Landowner”) hereby (a) joins as a party to, and agrees to be bound by and subject to all of the terms and conditions of, the Fee Agreement except as set forth herein; and (b) acknowledges and agrees that (i) in accordance with the Fee Agreement, Landowner has been designated as a Sponsor Affiliate by the Company for purposes of the Project (as defined in the Fee Agreement) and such designation is subject to the approval of the County by the passage of a resolution by the County Council which has been or will be obtained; (ii) Landowner qualifies or will qualify as a Sponsor Affiliate under the Fee Agreement and Section 12-44-30(A)(19) and Section 12-44-130 of the Act; and (iii) Landowner shall have all of the rights and obligations of a Sponsor Affiliate as set forth in the Fee Agreement, except as set forth herein.

The Company (a) agrees to be responsible for all repayment obligations that arise pursuant to the Fee Agreement, unless otherwise agreed to through a separate agreement in writing by and between the Company and Landowner (including any lease agreements that have been or will be assigned to the Company in connection with the Project); and (b) agrees to indemnify Landowner against all claims brought against it arising from the Fee Agreement, provided that a claim is not a repayment obligation that is an obligation of Landowner under a separate agreement in writing as set forth above or the claim is not a result of Landowner’s own negligence, bad faith, fraud, deceit, or willful misconduct.

2. Capitalized Terms.

All capitalized terms used but not defined in this Joinder Agreement shall have the meanings set forth in the Fee Agreement.

3. Governing Law.

This Joinder Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina, without regard to principles of choice of law.

4. Notice.

Notices under Section 12.06 of the Fee Agreement shall be sent to:

Ivadale Farms, LLC
[insert address]

IN WITNESS WHEREOF, the undersigned have executed this Joinder Agreement to be effective as of the later of the dates set forth below.

Ivadale Farms, LLC

Date

Name:
Authorized Representative for Ivadale Farms, LLC

Crown Solar Center, LLC

Name: _____

Title: _____

Date: _____

Address: _____

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Agenda Item Summary

Ordinance # / Resolution #: Resolution 1118 - R2020

Contact Person / Sponsor: Alison Alexander/Deputy County Administrator and John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

The legislative process for consideration of impact fees begins with Lancaster County Council adopting of a Resolution, pursuant section 6-1-950 of the South Carolina Code of Laws that instructs the Planning Commission to conduct and review the studies necessary to form the basis of a proposed impact fee including development of a Capital Improvement Plan. Planning Commission will then make recommendations to County Council regarding adoption of impact fees.

Upon adoption of the Resolution the Planning Commission may begin its review, which is scheduled for November.

The Resolution establishes a time period of no greater than four (4) months for Planning Commission to conduct and review the studies needed for adoption and implementation of impact fees and to make recommendations to County Council concerning same.

Lancaster County has an updated Capital Improvement Plan in progress, so the study and recommendation process of Planning Commission related to the Capital Improvement Plan component of impact fees may progress very efficiently. The Capital Improvement Plan is anticipated to go to Planning Commission in December.

Points to Consider:

n/a

Funding and Liability Factors:

n/a

Adoption of the resolution is not a commitment by County Council on the adoption and implementation of impact fees.

Council Options:

To approve or not approve the Resolution.

Recommendation:

To adopt the Resolution as presented.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1118-R2020	10/6/2020	Resolution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1118 - R2020

**A RESOLUTION AUTHORIZING THE LANCASTER COUNTY PLANNING
COMMISSION TO CONDUCT STUDIES AND RECOMMEND A CAPITAL
IMPROVEMENT PLAN AND IMPACT FEE**

WHEREAS, Lancaster County, a body politic and political subdivision of the State of South Carolina (County), has adopted a comprehensive plan, as provided in Chapter 29 of Title 6, South Carolina Code of Laws; and,

WHEREAS, as a Governmental Entity which has adopted a Comprehensive Plan, Lancaster County by and through its County Council is authorized by the South Carolina Development Impact Fee Act, S.C. Code Ann. Section 6-1-910, et. seq. (Act), to initiate a process whereby Lancaster County Planning Commission (Commission) may conduct studies and recommend an impact fee Ordinance, developed in accordance with the requirements of Title 6, Chapter 1, Article 9 (Development Impact Fees), South Carolina Code of Laws; and,

WHEREAS, the County finds that its geographic area, specifically the greater Lancaster County Panhandle area, has experienced and continues to experience rapid population growth and development which will continue or increase in the future; and

WHEREAS, the County continues to experience the effects of direct impacts of this growth to the public facilities throughout the County; and,

WHEREAS, the population growth projections made by professional expert consultants indicate a need to accommodate 42,678 new residents and 18,046 housing units through 2030 in the greater Lancaster County Panhandle; and,

WHEREAS, the costs associated with the land acquisition, construction, and equipping of public facilities necessitated by that projected population growth are significant and expensive; and,

WHEREAS, the County finds that it is fair and equitable for new residential development resulting from that projected population growth to fund, in whole or in part, as may be permitted by the Act, the cost of new public facilities whose need will result from such new residential development; and,

WHEREAS, the County finds that the projected population growth requires consideration for an impact fee related to the public facilities and service areas within the County that may include, but not limited to, law enforcement, emergency medical services, emergency management, parks and recreation, offices, parking areas, and any other facilities considered necessary for the residents of the State of South Carolina including the residents of Lancaster County.

**NOW, THEREFORE BE IT RESOLVED BY THE LANCASTER COUNTY COUNCIL
DULY ASSEMBLED THAT:**

1. The Commission is hereby directed to conduct the required studies and recommend an impact fee ordinance in conformity with the South Carolina Development Impact Fee Act based upon the results of those studies;
2. The Lancaster County Planning Director or his designee(s) shall act as liaison(s) between the Commission and Lancaster County Council and serve as the facilitator(s) with such County designated consultants, and County personnel who may be tasked to assist in the performance of the statutory requirement incident to the generation of the Impact Fee including but not limited to, the performance of any required analysis and study; the generation of any required plans and reports; and, the structuring of the ultimate recommended Ordinance;
3. It is the intent of the Council that the Commission complete its assigned task with a recommendation to Council within four (4) months or as soon thereafter as practicable;
4. The County Administrator and all other appropriate officials and employees of the County are hereby authorized to execute, deliver, and receive any other agreements and documents, and perform such tasks, as may be required by the County or Commission in order to carry out, give effect to, and consummate the impact fee ordinance process authorized by this Resolution;
5. This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina;
6. This Resolution shall become effective immediately upon approval by the Council;
7. The provisions of this Resolution are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder; and
8. A copy of this Resolution shall be delivered to the Commission upon adoption.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose, III, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1117- R2020

Contact Person / Sponsor: Steve Willis/ Administration, John DuBose/County Attorney, and Frannie Heizer/Burr Foreman
Department: Attorney

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Potential establishment of a Residential Improvement District for the Lennar - Roselyn project.

Points to Consider:

This would be Lancaster County's first time utilizing a Residential Improvement District ("RID"). A RID is very similar to the Public Works improvement District ("PWID") that Council is familiar with (Sun City and Walnut Creek) but the RID provides for both on-site improvements and off-site improvements while a PWID essentially only provides for on-site improvements. That is an important distinction since the Roselyn project will involve significant off-site sewer improvements. The sewer line, which will be dedicated to the Lancaster County Water and Sewer District for operation once completed, will open up that entire section of the county for improved sanitary sewer service.

Municap is handling the financial aspects and preparation of the assessment roll for the district. Our Finance staff has a long-standing good relationship with Municap.

The Resolution establishes a public hearing date for the RID proposal on November 23, 2020. The nature of the public hearing requirements in the RID statute will result in consideration of the Ordinance establishing the RID to occur on non-consecutive meetings.

Funding and Liability Factors:

The Residential Improvement District is financed by a special assessment on property tax bills, just as the Public Work Improvement Districts that County Council is already familiar with.

It is estimated that the annual assessment will be approximately \$1,400.00 per residential unit.

Council Options:

To approve the Resolution or not.

Recommendation:

Recommend approval of the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1117-R2020	10/6/2020	Resolution
Exhibit A to Resolution 1117-R2020- Petition For The Creation Of Roselyn Residential Improvement District	10/7/2020	Exhibit

)

)

)

RESOLUTION NO. 1117-R2020

A RESOLUTION

DESCRIBING AND AUTHORIZING THE ROSELYN RESIDENTIAL IMPROVEMENT DISTRICT AND THE ROSELYN IMPROVEMENT PLAN TO BE EFFECTED THEREBY, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE ROSELYN IMPROVEMENT PLAN, THE ESTIMATED COST OF THE IMPROVEMENTS AND THE AMOUNT OF SUCH COSTS TO BE DERIVED FROM ASSESSMENTS OR OTHER FUNDS; SETTING FORTH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE ROSELYN IMPROVEMENT DISTRICT; ORDERING A PUBLIC HEARING; AND OTHER MATTERS RELATED THERETO.

WHEREAS, a petition to request the creation of the Roselyn Residential Improvement District (the “Petition”) has been submitted by Lennar Carolinas, LLC to Lancaster County Council (the “Council”); and

WHEREAS, the Petition includes an Improvement Plan that the Council wishes to implement.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Lancaster County, South Carolina:

Section 1. Findings.

The Council finds and determines that:

(a) The County of Lancaster (the “County”) is a political subdivision of the State of South Carolina (the “State”), and as such, possesses certain powers granted by the Constitution and general laws of the State.

(b) Pursuant to Title 6, Chapter 35, Code of Laws of South Carolina 1976, as amended (the “Act”), the counties of the State are vested with all powers consistent with the Constitution necessary, useful, and desirable to effect improvements within an improvement district, to increase property values, prevent depreciation of property values and preserve and increase their tax bases.

(c) The Petition satisfies the requirements of a “petition” as described and defined in Section 6-35-118 of the Act and has been prepared by Lennar Carolinas, LLC, the “Owner” (within the meaning of Section 6-35-20 of the Act) of the twelve parcels of real property that are subject to the Petition and with respect to which the Petition has been prepared, and presented to the Council, which Petition, among other things, contemplates the creation of a “district” (within the meaning of Section 6-35-20 of the Act) to be known as the Roselyn Residential Improvement District (the “Improvement District”). A copy of the Petition, which may be amended or supplemented from time to time by the Owner and County Council, is attached hereto as Exhibit A and incorporated herein by reference and available for review in the office of the County Administrator.

(d) Pursuant to the Act, the Petition includes an “improvement plan” (within the meaning of the Act), entitled the “Improvement Plan - Roselyn Residential Improvement District” (the “Improvement Plan”), which has been prepared and presented to the Council, which such Improvement Plan, among other things, contemplates the creation of the Improvement District. A copy of the

Improvement Plan, which may be amended or supplemented from time to time, is included with the Petition that is attached as Exhibit A and is incorporated herein by reference and available for review in the office of the County Administrator. The Improvement Plan contemplates the provision of public improvements for the Improvement District, as more particularly described therein and below (collectively, the “Improvements”), which such improvements constitute “improvements” (within the meaning of Section 6-35-20 of the Act).

(e) Pursuant to the Act, (1) the Improvements may benefit the designated Improvement District, (2) the Improvements may increase property values within the Improvement District and are likely to encourage development in the Improvement District, (3) the general welfare and tax base of the County are likely to be improved by the creation of the Improvement District, (4) it would be fair and equitable to finance all or part of the cost of the Improvements by an assessment upon the real property located within the Improvement District, (5) the proposed Improvements are within the Improvement District or within the relevant service area and (6) based on due investigation and study, the proposed Improvements that are located outside of the Improvement District confer a direct benefit upon the real property inside the Improvement District.

(f) Pursuant to the Act, the Council may establish the Improvement District and implement and finance, in whole or in part, the Improvement Plan in the Improvement District in accordance with the provisions of the Act.

(g) Pursuant to the Act, the cost of the Improvements may be paid by assessments, by the issuance of special district bonds or other obligations secured by assessments, from general revenues from any source not restricted from such use by law, or from any combination of such financing sources as may be provided in the Improvement Plan.

It is now necessary and in the best interest of the health, safety and general welfare of the citizens of the County that the Improvement District and Improvement Plan be described and the other requirements of the Act be met through adoption and publication of this resolution.

Section 2. Description of the Improvement District.

The Improvement District shall consist of approximately 1,446.506 acres of real property on which residential development is expected. The Improvement District shall consist of the twelve parcels of property specified in the Petition. The real property in the Improvement District is located in the County and is alongside US Highway 521, as more fully described in the Improvement Plan.

Section 3. Description of Improvements.

Subject to the terms set forth in the Improvement Plan, the Council finds that the future development within the Improvement District requires the acquisition and construction of road infrastructure and water and sewer infrastructure, as described and more particularly identified in the Improvement Plan.

Section 4. Time Schedule for the Improvement Plan.

The implementation of the Improvement Plan is expected to be phased in over a period of ten years. The Owner of the real property parcels within the Improvement District began work on the Improvements in the second quarter of 2020.

Section 5. Estimated Cost of Improvements; Amount to be Derived from Assessments.

The total estimated, uninflated cost of all of the potential Improvements is approximately \$39,383,017. It is estimated that approximately \$20,000,000 of such costs will be financed, in whole or in part, by “assessments” (within the meaning of Section 6-35-20 of the Act) on all real property in the Improvement District benefiting from the Improvements (“Assessments”); the actual amount of Improvements to be funded will be limited by the actual bonds issued and the Assessments that are levied. If bonds secured by Assessments are issued, it is expected that the proceeds of such bonds will be used to pay or fund costs of the Improvements, capitalized interest on the bonds, if any, a debt service reserve fund, if any, the costs of issuing bonds, and the initial costs of administering the Improvement District. In addition, if bonds secured by Assessments are issued, the Assessments imposed and collected are expected to be used to pay debt service on the bonds, including principal and interest and redemption premium, if any, as well as the ongoing costs of administering the Improvement District.

Section 6. Proposed Basis and Rates of Assessments to be Imposed within the Improvement District.

Assessments shall be imposed upon parcels of real property in the Improvement District based upon the parcel’s expected development use and the estimated benefit of the Improvements to the parcel, according to the procedures set forth in an Assessment Roll, a Rate and Method of Apportionment of Assessments, and an Assessment Report, which shall establish an assessment allocation methodology which fairly reflects the benefits derived from the Improvements.

The total of the Assessments shall be based on actual costs of the Improvements or reasonable estimates of the cost of the Improvements, to include, but not be limited to, interest expense, principal repayment, bond issuance costs, design and engineering costs and costs associated with the establishment and administration of the Improvement District.

Upon the subdivision of any parcel, the total Assessment allocated to that parcel prior to the subdivision shall be allocated to the parcels resulting from the subdivision in accordance with the established assessment allocation methodology. The Assessments on the parent parcel prior to the subdivision shall equal the sum of the Assessments on the resulting parcels after the subdivision of the parent parcel.

An Assessment shall not be imposed upon property within the boundaries of the Improvement District that does not receive a benefit from the Improvements. An Assessment shall not be imposed upon property outside the boundaries of the Improvement District. Assessments shall also not be imposed on any property purchased or otherwise acquired by a public entity.

The proposed annual rate of the Assessments is estimated to be \$1,400 per residential unit.

Section 7. Public Hearing.

The Council hereby establishes November 23, 2020, as the date of the public hearing to be held in accordance with the provisions of Section 6-35-130 of the Act. Such public hearing shall be held at 6:00 p.m., in Council Chambers, Administration Building, Lancaster, S.C., or at such other location in or around the complex as shall be posted at the main entrance. At the public hearing and at any adjournment of the meeting at which the public hearing is held, all interested persons may be heard either in person or by their designees.

Section 8. Public Notice.

Pursuant to Section 6-35-130 of the Act, the Council hereby authorizes the publication of a notice that provides the date, time and place of a public hearing and provides a general description of: the location of

the proposed Improvement District, the proposed Improvements, the owner of each parcel of real property that represents twenty-five percent or more by acreage of the real property situated in the proposed Improvement District; and furthermore, pursuant to Section 6-35-130 of the Act, the Council hereby authorizes the publication of this notice once a week for two successive weeks in a newspaper of general circulation within the County, with the final publication to occur at least ten days before the public hearing to be held on November 23, 2020. The Notice of Public Hearing shall be in substantially the form attached hereto as Exhibit B and incorporated herein by reference.

Section 9. Severability.

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

Section 10. Controlling Provisions.

To the extent this Resolution contains provisions that conflict with any prior orders, resolutions, and parts thereof, the provisions contained in this Resolution supersede all other prior orders, resolutions and parts thereof and this Resolution is controlling.

Section 11. Effective Date.

This Resolution takes effect upon its adoption.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Approved as to form:

John DuBose, County Attorney

EXHIBIT A
(Attached Separately)
Petition to Create the Roselyn Residential Improvement District

EXHIBIT B

Form of Notice of Public Hearing

FORM OF NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, November 23, 2020, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance.

The purpose of the public hearing is to receive public comment on the creation of the Roselyn Residential Improvement District (the "Roselyn District").

The Roselyn District is proposed to be located in Lancaster County and is generally located between Highway 521 and Old Hickory Road, slightly south of W. North Corner Road. The real property included within the Roselyn District is generally bordered by independently owned parcels of real property. The real property within the Roselyn District will be accessed from Highway 521 and from Old Hickory Road.

Table A below specifies the real property within the Roselyn District, the owner of the real property, and the approximate acreage thereof.

Table A
Real Property within the Roselyn District

Parcel	Owner	Acres
0044-00-001.00	Lennar Carolinas, LLC	211.680
0044-00-016.00	Lennar Carolinas, LLC	137.720
0044-00-018.00	Lennar Carolinas, LLC	557.570
0044-00-021.00	Lennar Carolinas, LLC	20.920
0044-00-022.00	Lennar Carolinas, LLC	110.410
0044-00-024.00	Lennar Carolinas, LLC	180.860
0044-00-025.00	Lennar Carolinas, LLC	49.600
0045-00-004.01	Lennar Carolinas, LLC	77.796
0045-00-005.00	Lennar Carolinas, LLC	24.070
0045L-0B-019.00	Lennar Carolinas, LLC	3.130
0045L-0B-020.00	Lennar Carolinas, LLC	3.310
0048-00-043.01	Lennar Carolinas, LLC	69.440
Total		1,446.506

The Improvements to be made in or for the benefit of the Roselyn District include road improvements and water and sewer infrastructure.

Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should

be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission on the county website (<https://www.mylancaster-sc.org/index.asp?SEC={DF11C6C4-BC53-4CD5-8A07-0847EAA1F478}>), email to ssimpson@lancaster-sc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PETITION

**PETITION FOR THE CREATION OF
ROSELYN RESIDENTIAL IMPROVEMENT DISTRICT**

TO: THE HONORABLE CHAIRMAN AND MEMBERS OF THE COUNTY COUNCIL OF THE
 COUNTY OF LANCASTER, SOUTH CAROLINA

The undersigned petitioner, Lennar Carolinas, LLC (the “*Petitioner*”), acting pursuant to the provisions of Chapter 35 of Title 6 of the South Carolina Code of Laws 1976, as amended (the “*Residential Improvement Act*” or the “*Act*”), requests that the County of Lancaster, South Carolina (the “*County*”) establish a residential improvement district with respect to the real property described on Exhibit A hereto (the “*Land*”) within the County, and in support of this petition the Petitioner presents the following:

Section 1. Standing of Petitioner; Ownership of Land; Execution of Petition:

In compliance with the requirements of Section 6-35-118(1) of the Act, as of the date of this petition, the Petitioner is the owner of all of the Land, which is comprised of all real property to be included in the residential improvement district the Petitioner hereby requests that Lancaster County Council (the “*County Council*”) create and upon which the Petitioner requests that the County Council impose “assessments” under and as defined in the Act in order to defray costs of certain improvements, as more fully described herein. The residential improvement district that is the subject of this petition is referred to herein as the “*Roselyn Residential Improvement District*” or the “*District*”. This petition has been signed by an authorized officer of Petitioner.

Section 2. Legal Description of Land:

In compliance with the requirements of Section 6-35-118(2) of the Act, a legal description of the Land, which is comprised of all real property to be included in the District, is included in Exhibit A attached hereto and incorporated in this petition by this reference.

Section 3. Improvement Plan; Projected Time Schedule for Accomplishment of Improvement Plan; Estimated Cost; Amount of Cost to be Derived from Assessments or from Bond Secured by Assessments; Proposed Basis and Rates of Assessments:

In compliance with the requirements of Section 6-35-118(3) of the Act, this petition contains the following elements:

(a) *Improvement Plan.* The Improvement Plan – Roselyn Residential Improvement District (the “Improvement Plan”) is attached hereto as Exhibit B and incorporated herein by this reference. The Improvement Plan is an “improvement plan” within the meaning of and as described in the Act.

(b) *Projected Time Schedule for Accomplishment of Improvement Plan.* The Petitioner began implementation of the Improvement Plan in the second quarter of 2020 and Petitioner projects that the Improvement Plan will be implemented in phases over a period of ten years.

(c) *Estimated Cost.* The total estimated, uninflated cost of all of the potential Improvements (as defined in the Improvement Plan) is approximately \$39,383,017 and such costs will be financed, in whole or in part, by “assessments” (within the meaning of Section 6-35-20 of the Act) on real property in the Roselyn Residential Improvement District benefiting from the Improvements (“Assessments”). For more detail on the estimated cost of the Improvements, see Table C in the Improvement Plan attached hereto as Exhibit B and incorporated herein by this reference.

(d) *Amount of Cost to be Derived from Assessments or from Bonds Secured by Assessments and Proposed Basis and Rates of Assessments.*

(i) It is estimated that \$20,000,000 of the costs of the Improvements (as estimated in (c) above) will be derived from Assessments or from bonds secured by Assessments (the actual amount of Improvements to be funded will be limited by the actual bonds issued and the Assessments that are levied). If bonds secured by Assessments are issued, it is expected that the proceeds of such bonds will be used to pay or fund costs of the Improvements, capitalized interest on the bonds, if any, a debt service reserve fund, if any, the costs of issuing bonds, and the initial costs of administering the Roselyn Residential Improvement District. In addition, if bonds secured by Assessments are issued, the Assessments imposed and collected are expected to be used to pay debt service on the bonds, including principal and interest and redemption premium, if any, as well as the ongoing costs of administering the Roselyn Residential Improvement District.

(ii) Assessments shall be imposed upon each parcel of real property in the Roselyn Residential Improvement District based upon such parcel’s expected development use and the estimated benefit of the Improvements to the parcel, according to the procedures set forth in an Assessment Roll, a Rate and Method of Apportionment of Assessments, and an assessment report, which shall establish an assessment allocation methodology which fairly reflects the benefits derived from the Improvements.

The total of the Assessments shall be based on actual costs of the Improvements or reasonable estimates of the cost of the Improvements, to include, but not be limited to, interest expense, principal repayment, bond issuance costs, design and engineering costs and costs associated with the establishment and administration of the Roselyn Residential Improvement District. The proposed annual rate of the Assessments is estimated to be \$1,400 per residential unit.

Upon the subdivision of any parcel, the total Assessment allocated to that parcel prior to the subdivision shall be allocated to the parcels resulting from the subdivision in accordance with the established assessment allocation methodology. The Assessments on the parent parcel prior to the subdivision shall equal the sum of the Assessments on the resulting parcels after the subdivision of the parent parcel.

An Assessment shall not be imposed upon property within the boundaries of the Roselyn Residential Improvement District that does not receive a benefit from the Improvements. An Assessment shall not be imposed upon property outside the boundaries of the Roselyn Residential Improvement District. Assessments shall also not be imposed on any property purchased or otherwise acquired by a public entity.

The Petitioner hereby respectfully requests the creation of the Roselyn Residential Improvement District, to be comprised of the Land, and the imposition of assessments upon the Land. This petition will be filed with the County Clerk in support of the creation of the Roselyn Residential Improvement District by the County Council as herein provided.

PETITIONER:

LENNAR CAROLINAS, LLC

By: [Signature]
Name: MARK HENNINGER
Its: VICE PRESIDENT

STATE OF NORTH CAROLINA)
)
COUNTY OF Mecklenburg)

ACKNOWLEDGEMENT

This instrument was signed and acknowledged before me on this 6th day of October, 2020 by Mark Henninger, for an on behalf of said limited liability company.



Michelle A. Fischer
Name: Michelle A. Fischer
Notary Public, State of North Carolina
My Commission Expires: 4.17.2022

Exhibit A

**Roselyn Residential Improvement District
Property Owner and Property Information**

Tract 1

ALL those certain pieces, parcels, or lots of land lying and being in Lancaster County, South Carolina, along or near Waxhaw Village Road, shown as Lots 19 and 20 on that certain plat of survey entitled "Recombination Plat Norman Site – Tracts A & B 1,465.536 Acres Total," Sheets 1 and 2, prepared by ESP Associates, Inc., for Lennar Carolinas, LLC, dated December 10, 2019, recorded in the Lancaster County, South Carolina, Register of Deed's Office in Plat Book 2019, at Pages 730 and 731, on December 10, 2019, reference to which is hereby made for a more complete and accurate description as to the said property.

ALSO being described as Lots 19 and 20 on that certain plat of survey recorded at Plat 9486, aforesaid records, aforesaid records, reference to which plat is hereby made.

TOGETHER WITH:

ALL that certain piece, parcel or lot of land described and shown as Lot 42 on that certain plat of survey recorded at Plat 3408, aforesaid records, reference to which plat is made hereby

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 10, 2019 from First Land Company recorded December 10, 2019 in the Office of the Register of Deeds for Lancaster County on December 10, 2019 in Deed Book 1290, Page 261.

BEING ALL OR A PORTION OF TMS NOS.: 0045L-0A-010.00, 0045L-0B-019.00, and 0045L-0B-020.00.

Tract 2

ALL that certain piece, parcel, or lot of land lying and being in Lancaster County, South Carolina, shown as Tract A, containing 1,320.783 acres, more or less, on that certain plat of survey entitled "Recombination Plat Norman Site – Tracts A & B 1,465.536 Acres Total," Sheets 1 and 2, prepared by ESP Associates, Inc., for Lennar Carolinas, LLC, dated December 10, 2019, recorded in the Lancaster County, South Carolina, Register of Deed's Office in Plat Book 2019, at Pages 730 and 731, on December 10, 2019, reference to which is hereby made for a more complete and accurate description as to the said property.

LESS AND EXCEPTING THEREFROM the parcels thereon designed as Lots 19 and 20.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 10, 2019 from Lancaster Land, LLC recorded in the Office of the Register of Deeds for Lancaster County on December 10, 2019 in Deed Book 1290, Page 223.

BEING ALL OR A PORTION OF TMS NOS.: 0044-00-002.00, 0044-00-001.00, 0044-00-024.00, 0044-00-021.00, 0044-00-016.00, 0044-00-018.00, 0048-00-043.01, 0044-00-025.00, 0044-00-022.00, and 0045-00-005.00.

Tract 3

ALL that certain piece, parcel or tract of land, lying, being and situate in the County of Lancaster, State of South Carolina, and being shown and designated as a 76.05 acre tract, more or less (net excluding right-of-way for highway), on a Boundary Survey for Phillip H. Hinson, III, prepared by William Charles Henley, Jr., Land Surveying, dated July 31, 1996, and recorded in the Office of the Register of Deeds for York County in Plat 96 at Page 106.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated March 9, 2020 from Gregory A. Burke and Lu Ann Burke recorded in the Office of the Register of Deeds for Lancaster County on March 9, 2020 in Deed Book 1313, Page 38.

Tax Map #: 0045-00-004.01

Exhibit B

Improvement Plan – Roselyn Residential Improvement District

IMPROVEMENT PLAN – ROSELYN RESIDENTIAL IMPROVEMENT DISTRICT

Pursuant to the Residential Improvement District Act (S. C. Code Section 6-35-10, *et seq.* and, as amended from time to time, the “Act”), and subject to the receipt of all necessary public and governmental approval (as set forth in the Act), Lancaster County, South Carolina (the “County”) is authorized to designate an area within the County (such designated area defined in the Act as a “district” and such designated area being referred to herein as an “Improvement District”) in which or for which the County proposes to provide for the construction and installation of various improvements, public works and facilities.

The County, Lennar Carolinas, LLC (the “Owner”) and on behalf of all future owners or other interested parties, desire to create an Improvement District (the “Roselyn Residential Improvement District”) and provide for the provision and funding of various improvements and public works for the benefit of the County and the future users of the real property identified below.

The Act requires that the County adopt an “Improvement Plan” which is accepted by the Owner in connection with its establishment of an Improvement District. As set forth in the Act, the general purpose of an Improvement Plan is to establish the overall plan by which the Lancaster County Council (the “Governing Body”) proposes to effect improvements within an Improvement District in order to encourage and promote private or public development within the Improvement District. This Improvement Plan is written, and intended, to meet the Act’s requirements for an Improvement Plan for purposes of the Roselyn Residential Improvement District. Through the execution of this Improvement Plan, and the implementation of the various public improvements that it contemplates, the County intends to provide a benefit to the underlying real property, improve the property values and promote the development of the Roselyn Improvement District. The County also anticipates that the County at large will benefit from the public nature of such improvements.

Description of the Roselyn Residential Improvement District

The real property included within the Roselyn Residential Improvement District (the “District”) is located in the County and is generally located between Highway 521 and Old Hickory Road, slightly south of W. North Corner Road. The real property included within the District is generally bordered by independently owned parcels of real property. The real property within the District will be accessed from Highway 521 and from Old Hickory Road.

Table A below specifies the real property within the District and the approximate acreage thereof.

Table A
Real Property within the District

Parcel	Owner	Acres
0044-00-001.00	Lennar Carolinas, LLC	211.680
0044-00-016.00	Lennar Carolinas, LLC	137.720
0044-00-018.00	Lennar Carolinas, LLC	557.570
0044-00-021.00	Lennar Carolinas, LLC	20.920
0044-00-022.00	Lennar Carolinas, LLC	110.410
0044-00-024.00	Lennar Carolinas, LLC	180.860
0044-00-025.00	Lennar Carolinas, LLC	49.600
0045-00-004.01	Lennar Carolinas, LLC	77.796
0045-00-005.00	Lennar Carolinas, LLC	24.070
0045L-0B-019.00	Lennar Carolinas, LLC	3.130
0045L-0B-020.00	Lennar Carolinas, LLC	3.310
0048-00-043.01	Lennar Carolinas, LLC	69.440
Total		1,446.506

As indicated in Table A above, the District is approximately 1,446.506 acres in total.

For further illustration, a map of the real property in the District is shown on **Exhibit A** and attached hereto.

Proposed Land Use

It is anticipated that the Owner (and/or any future owners of the real property in the District, or portions thereof) will develop the property located within the District in accordance with the current zoning designation of Medium Density Residential District, as established for the real property in the District by County Ordinance No. 2018-1542, County Ordinance No 2018-1543 and County Ordinance No. 2019-1574.

The County's Medium Density Residential District zoning specifies that many land uses, including but not limited to the following, are permitted:

- Residential, including but not limited to detached single-family homes and attached single family homes
- Recreation facility
- Green space

The Owner's development plan contemplates the creation of a master-planned, residential community. The Owner's current expectation for development uses within the District is shown in **Table B** below.

Table B
Owner's Estimated Development Uses

Expected Use	Expected Quantity
<u>Residential</u>	<u>Units</u>
Single family homes, detached, for sale	1,860
<u>Non-residential</u>	
Recreation facility (amenity center)	2

The County's Medium Density Residential District zoning allows for 2.5 residential units per acre, which equates to approximately 3,616 residential units for the real property in the District. The Owner, through its preliminary plat submittal (which the County approved on December 23, 2019), is planning for 1,860 residential units, well below the allowed number of residential units.

Notwithstanding the foregoing, it is understood that development uses that are distinct from the types and amounts shown in the table above may occur as a result of market demand or changes in the development plans. Any such deviation will nevertheless be consistent with the County's zoning requirements.

Government Approvals and Regulatory Agency Permits

As indicated above, the expected development uses are allowed under current zoning and land use regulations. Nevertheless, it is understood by all involved parties that Owner's development of the real property in the District will require ongoing compliance with all applicable zoning and land use regulations. To the extent the Owner (or other applicable party) has not already obtained them as of the date hereof, permits and approvals that are administrative in nature, including but not limited to approvals from agencies or departments of the United States of America, the State of South Carolina (the "State"), the County, utilities, or other similar jurisdictional bodies, will be obtained in the standard course of development.

The Improvements

The primary goal of this Improvement Plan is to provide certain public improvements that will serve the real property in the District. This will be accomplished through the construction and/or acquisition of the public improvements (collectively the "Improvements") specified in Table C below.

Each of the Improvements is intended to constitute an "Improvement" as such term is defined in the Act. All such Improvements (as approved or accepted by the County as provided herein) shall be deemed authorized by this Improvement Plan.

This Improvement Plan is not intended to be, and should not be construed as, a guaranty or commitment by the Owner or the County to implement the Improvement Plan and/or cause the creation of any or all of the referenced Improvements. To the extent that the Improvements are constructed, the timing of the construction shall be determined by the Owner.

The locations of certain Improvements will be determined at a later point in time by the Owner, the Lancaster County Water and Sewer District (the "LCWSD") and the County and may vary based on a number of factors. In accordance with the Act, certain Improvements will be located outside of the District; such Improvements will provide a benefit to the real property with the District. The general location of certain anticipated Improvements is shown on **Exhibit A**. The "Service Area," as the term is defined in the Act, for each Improvement that is located outside of the District is specified on **Exhibit B**. The location of each offsite road Improvement is shown on **Exhibit C**.

The estimated total cost of the Improvements is approximately \$39,383,017. The estimated cost of the Improvements are specified in Table C below.

Table C
Improvements and Estimated Cost Thereof

Improvements	Estimated Cost
<u>Road infrastructure</u>	
Roselyn Avenue, within the residential improvement district	\$13,888,494
Intersection of Norman Forest Road and Highway 521	\$385,000
Intersection of Roselyn Avenue and Highway 521	\$315,000
Intersection of North Corner Road and Highway 521	\$100,000
Intersection of Roselyn Avenue and Old Hickory Road	\$150,000
Intersection of Old Hickory Road and Highway 5 (Rock Hill Highway)	\$100,000
Subtotal for road infrastructure	\$14,938,494
<u>Water and sewer infrastructure</u>	
On site (within the residential improvement district) water system and sewer system infrastructure, including: a regional pump station, an onsite pump station and onsite force main and trunk lines	\$4,742,757
Offsite force main (outside of the residential improvement district)	\$5,225,010
Onsite water and sewer lines throughout the Roselyn development	\$14,476,756
Subtotal for water and sewer infrastructure	\$24,444,523
Total	\$39,383,017

The foregoing estimates provided herein are for informational purposes only and the parties acknowledge and agree that the Assessments, as defined below, imposed for the District are not anticipated to generate funding sufficient to fund the entire cost of the Improvements. On the contrary, the Assessments to be imposed on the real property in the District are anticipated to contribute towards the costs of the Improvements. It is also understood that the inclusion of the Improvements within this Improvement Plan shall not prohibit the funding of the Improvements from methods and sources other than the Assessments.

Design and engineering work for certain Improvements has already started; the costs of such services are included in the estimates specified above and in accordance with the Act, are eligible for funding from the Assessments.

The Improvements shall be constructed in accordance with all governmental standards, including appropriate permits, approvals, reviews and acceptances by the County, the LCWSD , the State and the United States of America. Pursuant to the Act, the County may contract with the Owner or other third party for the construction of the Improvements.

Furthermore, in addition to the Improvements, other public improvements not contemplated or covered by this Improvement Plan are possible and may be constructed within the Improvement District.

Projected Time Schedule for the Accomplishment of the Improvement Plan

The Owner projects that the Improvements will be constructed and/or acquired within ten years.

To the extent that the Improvements are constructed, the timing of the construction shall be determined by the Owner.

Ownership and Maintenance of the Improvements

The Improvements will be owned by the County, the LCWSD or the State.

The Improvements will be maintained by the County, the LCWSD or the State.

Sources of Funds

The Owner and County anticipate obtaining the funds required to construct the Improvements from the following sources:

- Proceeds from an anticipated revenue bond (or other borrowing) issued by the County and secured by the Assessments (as defined below);
- The improvement fee to be paid by the Owner, as specified in the Act, in the amount of four percent of the par value of revenue bonds (or other borrowing) issued by the County and secured by the Assessments.

As allowed by the Act, special assessments (the "Assessments") are expected to be imposed by the County on the real property in the District in order to help fund a portion of the costs of the Improvements. In particular, the County shall impose Assessments in order to 1) fund a portion of the costs of the Improvements, including the estimated debt service and issuance costs of the anticipated revenue bonds, 2) fund the costs incurred to establish the District and to impose the Assessments, and 3) fund the administrative costs of the District.

The Owner projects that the Assessments (or bonds secured by the Assessments) will fund approximately \$20,000,000 of the estimated cost of the Improvements; the actual amount of Improvements to be funded will be limited by the actual bonds issued and the Assessments that are levied.

The Assessments will be billed and collected by the County on an annual basis through the annual real property tax billing process. Collected revenues from the Assessments may, in certain

cases, be used to directly fund the initial costs of Improvements. Additional sources of revenue not mentioned within this Improvement Plan but allowed by State law may also be utilized independently or in combination with the revenue sources stated above to execute this Improvement Plan.

Proposed Basis and Rates of Assessment to be Imposed within the Improvement District

Assessments shall be imposed upon real property in the District in accordance with each of the District documents (including, without limitation, any Report on the Reasonable Basis of the Assessments, Assessment Roll or The Rate and Method of Apportionment of Assessments, all expected to be prepared for the County by MuniCap, Inc., a public finance consultancy that specializes in special assessment districts), to the extent such documents are approved by the County and/or its Governing Body (collectively the "Improvement District Documents"). The Improvement District Documents shall establish special assessment rates that fairly reflect the benefits derived from the Improvements by each of the individual parcels within the District (both the currently existing parcels and to be created parcels).

Notwithstanding the foregoing, an Assessment shall not be imposed upon any real property located outside of the District or any real property located within the District that does not receive a special benefit from the Improvements. In addition, Assessments shall not be imposed on any real property that is expressly reserved for the use of a public entity.

The Assessments will be allocated in part based upon each parcel's distinct development classification and such classification's projected utilization of the Improvements. Accordingly, the methodology and procedure for allocating Assessments shall provide that, as real property within the District is subdivided, the expected development use of the subdivided real property (including the quantity of the expected development use) shall be utilized to apportion the Assessments to the subdivided real property. In each case, the sum of the Assessments on all parcels resulting from a subdivision shall equal the total Assessment of the single parcel in question prior to the subdivision. Pursuant to the Act, the basis of the Assessments may allow for changes in the annual billing of the Assessments upon subdivisions and/or other events, as specified in the Improvement District Documents.

Termination of Assessments

The Assessments will terminate upon the full payment of the anticipated thirty-year billing cycle of the Assessments. The Assessments on a parcel will terminate upon the full payment of the Assessments that are allocated to such parcel, which may occur upon an allowed full prepayment of the Assessments on a parcel or at the completion of the thirty-year billing period described above.

Amendments

This Improvement Plan may be amended or supplemented from time to time in accordance with the Act.

Exhibit List (on the following page):

Exhibit A – An exhibit that shows the boundaries of the District and the currently planned location of certain Improvements.

Exhibit B – An exhibit that describes the location of the Service Areas for certain Improvements.

Exhibit C – An exhibit that shows the location of the offsite road Improvements.

Exhibit A to Improvement Plan

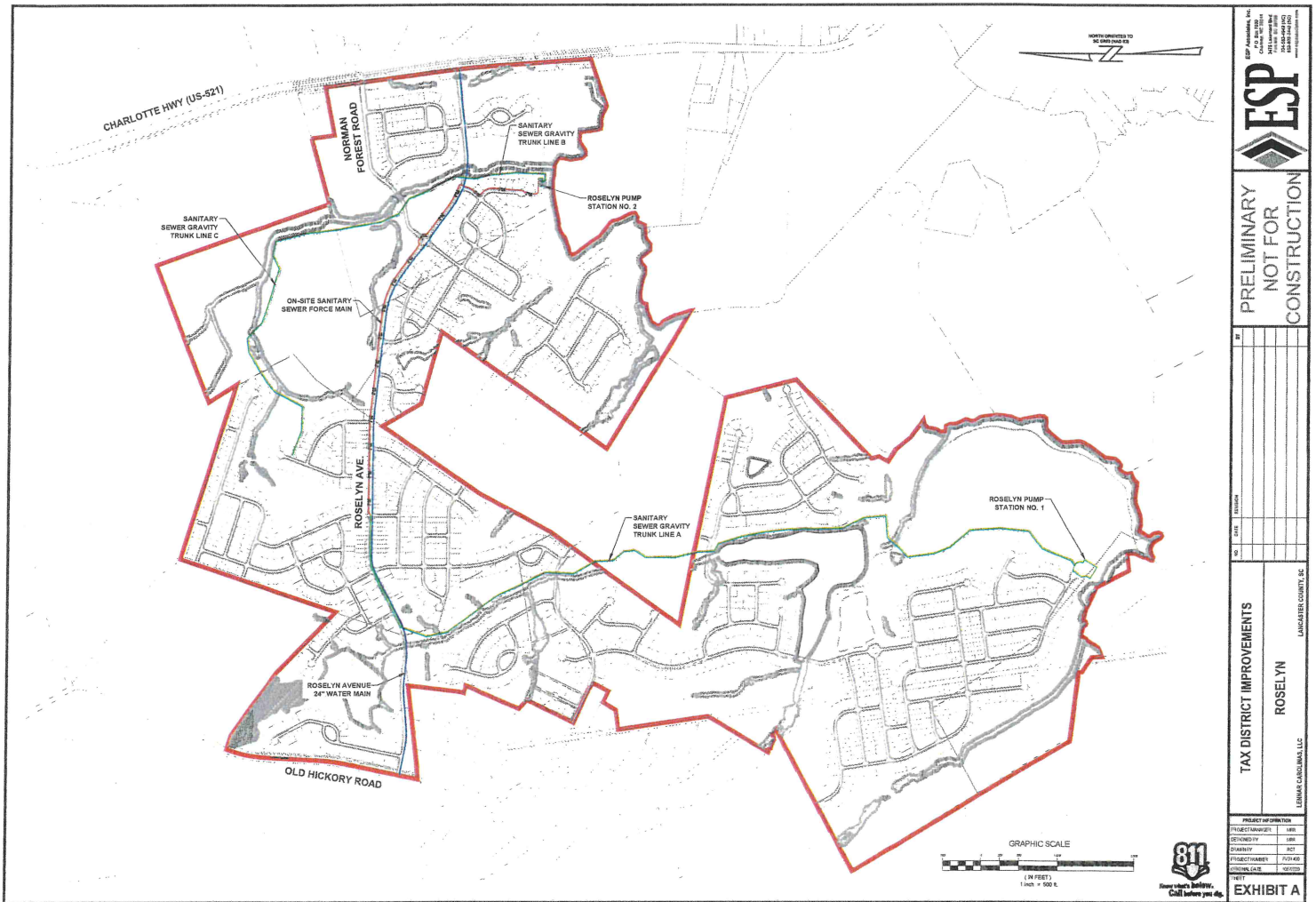


Exhibit B to Improvement Plan

EXHIBIT B

The Service Areas for the Improvements that are located outside of the District are provided below.

The Service Area for offsite force main (described below) is based on Owner's analysis, including input from an engineering firm with extensive experience in water and sewer matters in the Lancaster County region.

The Service Areas for the road and transportation Improvements (described below) are based on Owner's analysis, including input from a traffic specialist with the South Carolina Department of Transportation and a traffic impact analyst with experience in the Lancaster County region.

The Service Area for each of the road and transportation Improvements is described individually below; however, it is worth noting that each of these Improvements:

- 1) impacts vehicles from the region during peak traffic times;
- 2) helps to alleviate traffic jams so that each vehicle which utilizes any of these Improvements moves more smoothly on each road and at each intersection; and,
- 3) generally, positively impacts traffic flow within three to five miles of the Improvement.

The Improvements located outside of the District:

1) **Offsite force main.** The Service Area for the offsite force main includes the Roselyn development project as well as an estimated 3,400 acres of real property, made of eleven (11) parcels (listed below), on which development may occur in the future. The offsite force main is proposed to drain southbound from an onsite pump station (within the Roselyn development area), generally following the alignment of existing Cane Creek while crossing the eleven parcels. The offsite force main is expected to be approximately 4.6 miles long and is proposed to cross University Drive and Lancaster Bypass (Hwy-9), before tying directly to the existing City of Lancaster Wastewater Treatment Facility located at 1150 Lockwood Lane, Lancaster, SC.

Parcels included:

0049-00-004.02, 0062-00-001.00, 0062-00-069.00, 0062-00-075.00, 0062-00-077.00, 0062-00-079.00, 0067-00-004.00, 0067-00-010.00, 0067-00-011.04, 0067-00-012.00, & 0067-00-025.00

2) **Intersection improvements at US 521 at Norman Forest Road.** The Service Area ranges from North Corner Road to the north and Shiloh Unity Road to the south, and extends from Old Hickory Road to the west to Craig Farm Road to the east.

3) **Intersection improvements at US 521 at Roselyn Avenue.** The Service Area ranges from North Corner Road to the north and Shiloh Unity Road to the south, and extends from Old Hickory Road to the west to Craig Farm Road to the east.

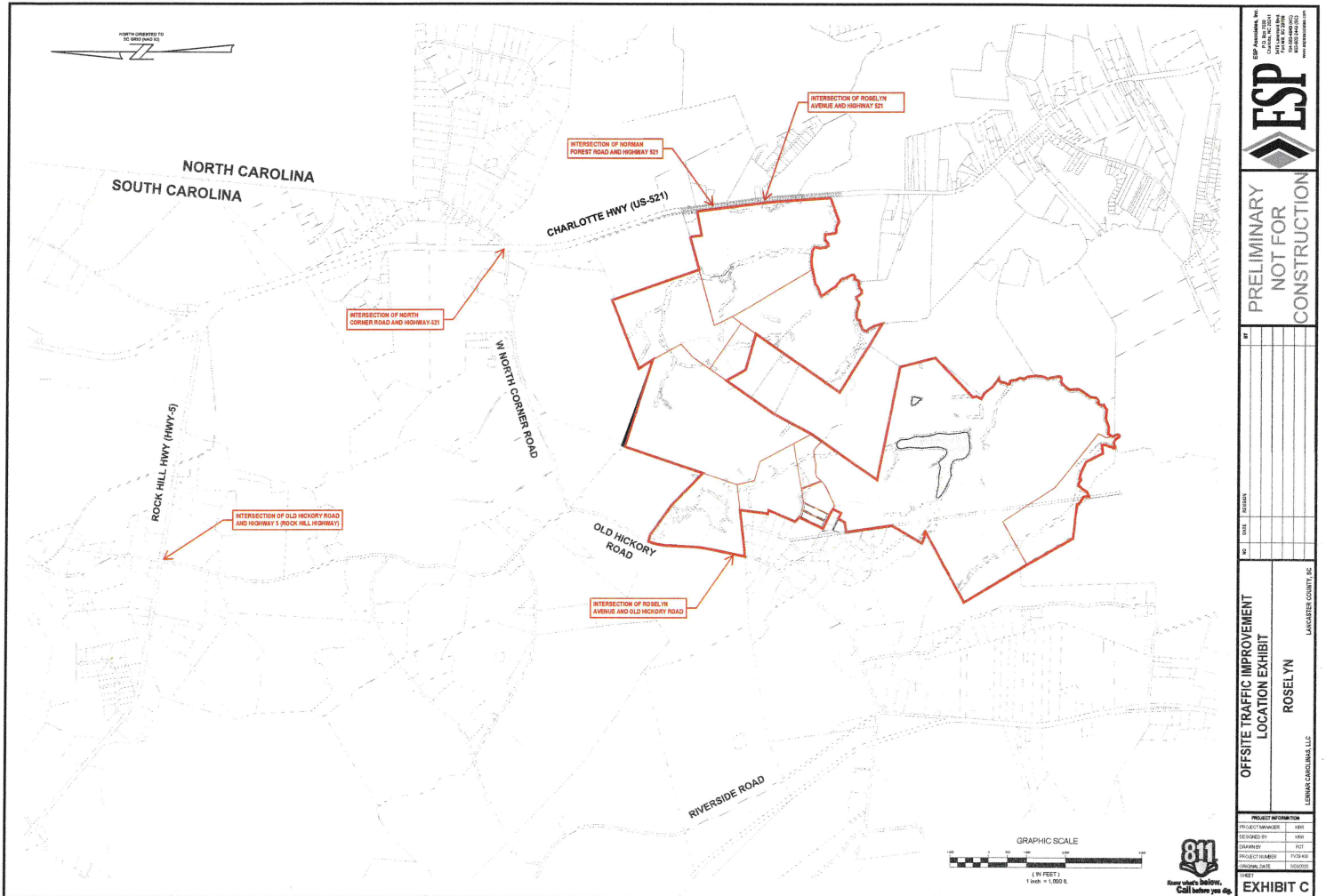
4) **Intersection improvements at US 521 at North Corner Road.** The Service Area ranges north and south on Highway 521 from Highway 5 in the north to Shiloh Unity Road in the south.

In addition, the service area extends west to Old Hickory Road and east to Craig Farm Road or Tirzah Church Road.

5) Intersection improvements at Old Hickory Road at Rock Hill Highway 5. The Service Area ranges from Van Wyck Road to the north to North Corner Road to the south, and extends to Highway 521 to the east and to Steele Hill Road to the west.

6) Intersection improvements at Roselyn Avenue and Old Hickory Road. The Service Area ranges from North Corner Road to the north to Waxhaw Village Road to the south, and extends to Highway 521 to the east and to Old Hickory Road to the west

Exhibit C to Improvement Plan



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1691

Contact Person / Sponsor: Steve Willis/ Administration, John DuBose/County Attorney, and Frannie Heizer/Burr Foreman
Department: Attorney

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Potential establishment of a Residential Improvement District for the Lennar - Roselyn project.

Points to Consider:

This would be Lancaster County's first time utilizing a Residential Improvement District ("RID"). A RID is very similar to the Public Works improvement District ("PWID") that Council is familiar with (Sun City and Walnut Creek) but the RID provides for both on-site improvements and off-site improvements while a PWID essentially only provides for on-site improvements. That is an important distinction since the Roselyn project will involve significant off-site sewer improvements. The sewer line, which will be dedicated to the Lancaster County Water and Sewer District for operation once completed, will open up that entire section of the county for improved sanitary sewer service.

Municap is handling the financial aspects and preparation of the assessment roll for the district. Our Finance staff has a long-standing good relationship with Municap.

The companion Resolution establishes a public hearing date for the RID proposal on November 23, 2020. The nature of the public hearing requirements in the RID statute will result in consideration of the Ordinance establishing the RID to occur on non-consecutive meetings.

At present some of the attachments and sections of the Ordinance are incomplete but are expected to be finalized on or about the second reading of the Ordinance.

Funding and Liability Factors:

The Residential Improvement District is financed by a special assessment on property tax bills, just as the Public Work Improvement Districts that County Council is already familiar with.

It is estimated that the annual assessment will be approximately \$1,400.00 per residential unit.

Council Options:

To approve the Ordinance or not.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1691	10/6/2020	Ordinance

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
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ORDINANCE NO. 2020-1691

AN ORDINANCE

AUTHORIZING THE CREATION OF THE ROSELYN RESIDENTIAL IMPROVEMENT DISTRICT; APPROVING AND AUTHORIZING THE IMPLEMENTATION OF THE IMPROVEMENT PLAN; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE ROSELYN IMPROVEMENT DISTRICT BY ASSESSMENT, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; APPROVING AN ASSESSMENT ROLL AND PROVIDING NOTICE THEREOF; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Findings.

The County Council ("County Council") of Lancaster County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Title 6, Chapter 35, Code of Laws of South Carolina 1976, as amended (the "Act"), governing bodies of counties are authorized to acquire, own, construct, establish, install, enlarge, improve, expand, operate, maintain and repair, and sell, lease, and otherwise dispose of any "improvements" (within the meaning of Section 6-35-20(2) of the Act) and to finance such acquisition, construction, establishment, installation, enlargement, improvement, expansion, operation, maintenance, and repair, in whole or in part, by the imposition of assessments, by special district bonds, by revenue bonds of such counties, or from general revenues from any source not restricted from such use by law, or by any combination of such funding sources.

(b) As set forth in Resolution No. 1117-R2020 adopted by the County Council on _____ (the "Resolution"), the County has caused to be prepared an "improvement plan" within the meaning of Section 6-35-20(3) of the Residential Improvement District Act (the "Act"), entitled: "Roselyn Residential Improvement Plan" (the "Improvement Plan") attached hereto as Exhibit A. As described in the Improvement Plan, the cost of some or all of the Improvements will be funded from the imposition and collection of an "assessment" within the meaning of Section 6-35-20(1) of the Act (the "Assessment"). The Improvement Plan, together with the Report on the Reasonable Basis of Assessments (the "Assessment Report") attached hereto as Exhibit B, and the Assessment Roll with attached Rate and Method of Apportionment of Assessments (the "Assessment Roll") attached hereto as Exhibit C and referred to in the Assessment Report, as each may be amended from time to time, contemplate the creation of the Roselyn Residential Improvement District (the "Roselyn District"), the implementation of the Improvements (as defined herein), and the payment of the costs of the Improvements by the imposition and collection of Assessments on the property in the Roselyn District.

(c) The Improvement Plan contemplates that the Roselyn District shall consist of property located in the County generally located between Highway 521 and Old Hickory Road, slightly south of W. North Corner Road. The real property included within the District is generally bordered by independently owned parcels of real property. The real property within the District will be accessed from Highway 521 and from Old Hickory Road.

Table A below specifies the real property within the Roselyn District and the approximate acreage thereof.

Table A
Real Property within the Roselyn District

Parcel	Owner	Acres
0044-00-001.00	Lennar Carolinas, LLC	211.680
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0045L-0B-020.00	Lennar Carolinas, LLC	3.310
0048-00-043.01	Lennar Carolinas, LLC	69.440
Total		1,446.506

As indicated in Table A above, the District is approximately 1,446.506 acres in total.

(d) The County has previously zoned the real property within the Roselyn District, in whole or in part, as a Medium Density Residential District, as established for the real property in the Roselyn District by County Ordinance No. 2018-1542, County Ordinance No. 2018-1543 and County Ordinance No. 2019-1574.

(e) The County and the owner of all real property located in the Roselyn District have agreed that certain road infrastructure and water and sewer infrastructure, as more particularly described in the Improvement Plan, constitute “Improvements” (within the meaning of Section 6-35-20(2) of the Act).

(f) Pursuant to Section 6-35-130 of the Act and the provisions of the Resolution, a public hearing concerning the Resolution was held on November 23, 2020, which date was neither sooner than 30 days and nor more than 45 days following the adoption of the Resolution and neither less than ten days nor more than 120 days before the passage of this ordinance.

(g) Pursuant to Section 6-35-130(A) of the Act, a notice of the public hearing was published once a week for two successive weeks in *The Lancaster News*, which is a newspaper of general circulation in the County. The last date of publication was not less than ten days prior to the date of the public hearing concerning the Resolution.

(h) Pursuant to Section 6-35-170(B) of the Act, County Council hereby finds that:

(1) The Improvements may benefit the Roselyn District and the proposed service area;

(2) The Improvements may preserve or increase property values within the Roselyn District;

(3) The Improvements are likely to encourage development in the Roselyn District;

(4) The general welfare and tax base of the County would be maintained or likely improved by creation of the Roselyn District;

(5) It would be fair and equitable to finance all or part of the cost of the Improvements by imposing an Assessment upon the real property within the Roselyn District, and County Council may establish the area as an improvement district and implement and finance, in whole or in part, the Improvement Plan in the Roselyn District in accordance with the provisions of the Act;

(6) The Improvements are located within the Roselyn District or within the relevant service area; and

[(7) in circumstances where the district is proposed to consist of noncontiguous parcels, all parcels that comprise the district are situated within the relevant service area for each improvement.]

(i) County Council hereby finds that [a portion] of the Improvements may be financed by the County through the issuance of special district bonds (the “Bonds”) as provided in Section 6-35-60 of the Act.

(j) County Council finds that the cost of the acquisition, construction and equipping of the Improvements to be funded from proceeds of the Bonds will not exceed \$_____.

(k) A description of potential levels of service resulting from the Improvements: [To be provided].

(l) The methodology for the imposition, apportionment, adjustment, and termination of the Assessment is as set forth in the Assessment Report and the Assessment Roll.

(m) The expected 382 single family residential homes within the Roselyn District is projected to result in an estimate of 573 public school students.

Section 2. Creation of Improvement District; Approval of Improvement Plan

The Roselyn Improvement District as described above and more fully in the Improvement Plan is hereby created. The Improvement Plan, as described in Exhibit A, is approved and the implementation of the Improvement Plan is hereby authorized.

Section 3. Financing of Improvements; Issuance of Special District Bonds.

Section 4. Collection of Improvement Fees (Section 6-35-100 of the Act).

Section 5. Disclosure to Prospective Purchasers (Section 6-35-95 of the Act).

Section 6. Improvements as Property of Public Entity; Alteration and Leasing (Section 6-35-160 of the Act

Section 7. Approval of Assessments and of Assessment Roll.

Section 8. Notice of Assessment Roll.

Section 9. Hearing of Objections to Assessment Roll.

Section 10. Declaration of Intent to Reimburse Certain Expenditures.

This Ordinance shall constitute the County's declaration of official intent pursuant to Regulation §1.150-2 of the Internal Revenue Code of 1986 as amended (the "IRC") to reimburse the County from a portion of the proceeds of the Bonds for expenditures it anticipates incurring (the "Expenditures") with respect to the Improvements prior to the issuance of the Bonds. The Expenditures which are reimbursed are limited to Expenditures which are: (1) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1.150-2 of the IRC) under general federal income tax principals; or (2) certain de minimis or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the IRC. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid; or (b) the date such Improvements were placed in service, but in no event more than three (3) years after the original Expenditures.

Section 10. Inspection.

This Ordinance and the files of the County related to the Improvement Plan and to the Roselyn District shall be made available to all interested persons upon twenty-four hours written notice at the Office of the Clerk to County Council at 101 North Main Street, 2nd Floor, Lancaster, South Carolina 29720.

Section 11. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the purposes of this Ordinance.

Section 12. 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 13. Controlling Provisions.

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

Section 14. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Second Reading: November 23, 2020
Public Hearing: November 23, 2020
Third Reading: December 14, 2020

Approved as to form:

John DuBose, County Attorney

**Exhibit A to Ordinance No. 2020-1691
Roselyn Improvement Plan**

* * *

**Exhibit B to Ordinance No. 2020-1691
Report on the Reasonable Basis of Assessments**

* * *

**Exhibit C to Ordinance No. 2020-1691
Assessment Roll with Rate and Method of Apportionment of Assessments**

* * *

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1116 - R2020

Contact Person / Sponsor: Steve Willis/ Administration, John DuBose/County Attorney, and Frannie Heizer/Burr Foreman
Department: Attorney

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Potential establishment of a Residential Improvement District for the Lennar - Harris Mill project.

Points to Consider:

This would be Lancaster County's first time utilizing a Residential Improvement District ("RID"). A RID is very similar to the Public Works improvement District ("PWID") that Council is familiar with (Sun City and Walnut Creek) but the RID provides for both on-site improvements and off-site improvements while a PWID essentially only provides for on-site improvements.

Municap is handling the financial aspects and preparation of the assessment roll for the district. Our Finance staff has a long-standing good relationship with Municap.

The Resolution establishes a public hearing date for the RID proposal on November 23, 2020. The nature of the public hearing requirements in the RID statute will result in consideration of the Ordinance establishing the RID to occur on non-consecutive meetings.

Funding and Liability Factors:

The Residential Improvement District is financed by a special assessment on property tax bills, just as the Public Work Improvement Districts that County Council is already familiar with.

It is estimated that the annual assessment will be approximately \$1,650.00 per residential unit.

Council Options:

To recommend approval of the Resolution or not.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1116-R2020	10/6/2020	Resolution
Exhibit A to Resolution 1116-R2020 - Petition for the Creation of Harris Mill Residential Improvement District	10/7/2020	Exhibit

STATE OF SOUTH CAROLINA

)

RESOLUTION NO. 1116-R2020

)

COUNTY OF LANCASTER

)

A RESOLUTION

DESCRIBING AND AUTHORIZING THE HARRIS MILL RESIDENTIAL IMPROVEMENT DISTRICT AND THE HARRIS MILL IMPROVEMENT PLAN TO BE EFFECTED THEREBY, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE HARRIS MILL IMPROVEMENT PLAN, THE ESTIMATED COST OF THE IMPROVEMENTS AND THE AMOUNT OF SUCH COSTS TO BE DERIVED FROM ASSESSMENTS OR OTHER FUNDS; SETTING FORTH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE HARRIS MILL IMPROVEMENT DISTRICT; ORDERING A PUBLIC HEARING; AND OTHER MATTERS RELATED THERETO.

WHEREAS, a petition to request the creation of the Harris Mill Residential Improvement District (the “Petition”) has been submitted by Lennar Carolinas, LLC to Lancaster County Council (the “Council”); and

WHEREAS, the Petition includes an Improvement Plan that the Council wishes to implement.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Lancaster County, South Carolina:

Section 1. Findings.

The Council finds and determines that:

(a) The County of Lancaster (the “County”) is a political subdivision of the State of South Carolina (the “State”), and as such, possesses certain powers granted by the Constitution and general laws of the State.

(b) Pursuant to Title 6, Chapter 35, Code of Laws of South Carolina 1976, as amended (the “Act”), the counties of the State are vested with all powers consistent with the Constitution necessary, useful, and desirable to effect improvements within an improvement district, to increase property values, prevent depreciation of property values and preserve and increase their tax bases.

(c) The Petition satisfies the requirements of a “petition” as described and defined in Section 6-35-118 of the Act and has been prepared by Lennar Carolinas, LLC, the “owner” (within the meaning of Section 6-35-20 of the Act) of the six parcels of real property that are subject to the Petition and with respect to which the Petition has been prepared, and presented to the Council, which Petition, among other things, contemplates the creation of a “district” (within the meaning of Section 6-35-20 of the Act) to be known as the Harris Mill Improvement District (the “Improvement District”). A copy of the Petition, which may be amended or supplemented from time to time by the Owner and County Council, is attached hereto as Exhibit A and incorporated herein by reference and available for review in the office of the County Administrator.

(d) Pursuant to the Act, the Petition includes an “improvement plan” (within the meaning of the Act), entitled the “Improvement Plan - Harris Mill Residential Improvement District” (the “Improvement Plan”), which has been prepared and presented to the Council, which such Improvement Plan, among other things, contemplates the creation of the Improvement District. A copy of the

Improvement Plan, which may be amended or supplemented from time to time, is included with the Petition that is attached as Exhibit A and is incorporated herein by reference and available for review in the office of the County Administrator. The Improvement Plan contemplates the provision of public improvements for the Improvement District, as more particularly described therein and below (collectively, the “Improvements”), which such improvements constitute “improvements” (within the meaning of Section 6-35-20 of the Act).

(e) Pursuant to the Act, (1) the Improvements may benefit the designated Improvement District, (2) the Improvements may increase property values within the Improvement District and are likely to encourage development in the Improvement District, (3) the general welfare and tax base of the County are likely to be improved by the creation of the Improvement District, (4) it would be fair and equitable to finance all or part of the cost of the Improvements by an assessment upon the real property located within the Improvement District, (5) the proposed Improvements are within the Improvement District or within the relevant service area and (6) based on due investigation and study, the proposed Improvements that are located outside of the Improvement District confer a direct benefit upon the real property inside the Improvement District.

(f) Pursuant to the Act, the Council may establish the Improvement District and implement and finance, in whole or in part, the Improvement Plan in the Improvement District in accordance with the provisions of the Act.

(g) Pursuant to the Act, the cost of the Improvements may be paid by assessments, by the issuance of special district bonds or other obligations secured by assessments, from general revenues from any source not restricted from such use by law, or from any combination of such financing sources as may be provided in the Improvement Plan.

It is now necessary and in the best interest of the health, safety and general welfare of the citizens of the County that the Improvement District and Improvement Plan be described and the other requirements of the Act be met through adoption and publication of this resolution.

Section 2. Description of the Improvement District.

The Improvement District shall consist of approximately 320.778 acres of real property on which residential development is expected. The Improvement District shall consist of the six parcels of property specified in the Petition. The real property in the Improvement District is located in the County and is alongside Henry Harris Road, as more fully described in the Improvement Plan.

Section 3. Description of Improvements.

Subject to the terms set forth in the Improvement Plan, the Council finds that the future development within the Improvement District requires the acquisition and construction of road infrastructure and water and sewer infrastructure, as described and more particularly identified in the Improvement Plan.

Section 4. Time Schedule for the Improvement Plan.

The implementation of the Improvement Plan is expected to be phased in over a period of five years. The owner of the real property parcels within the Improvement District began work on the Improvements in the second quarter of 2020.

Section 5. Estimated Cost of Improvements; Amount to be Derived from Assessments.

The total estimated, uninflated cost of all of the potential Improvements is approximately \$5,913,000. It is expected that all of such costs will be financed by “assessments” (within the meaning of Section 6-35-20 of the Act) on all real property in the Improvement District benefiting from the Improvements (“Assessments”). If bonds secured by Assessments are issued, it is expected that the proceeds of such bonds will be used to pay or fund costs of the Improvements, capitalized interest on the bonds, if any, a debt service reserve fund, if any, the costs of issuing bonds, and the initial costs of administering the Improvement District. In addition, if bonds secured by Assessments are issued, the Assessments imposed and collected are expected to be used to pay debt service on the bonds, including principal and interest and redemption premium, if any, as well as the ongoing costs of administering the Improvement District.

Section 6. Proposed Basis and Rates of Assessments to be Imposed within the Improvement District.

Assessments shall be imposed upon parcels of real property in the Improvement District based upon the parcel’s expected development use and the estimated benefit of the Improvements to the parcel, according to the procedures set forth in an assessment roll, a Rate and Method of Apportionment of Assessments, and an assessment report, which shall establish an assessment allocation methodology which fairly reflects the benefits derived from the Improvements.

The total of the Assessments shall be based on actual costs of the Improvements or reasonable estimates of the cost of the Improvements, to include, but not be limited to, interest expense, principal repayment, bond issuance costs, design and engineering costs and costs associated with the establishment and administration of the Improvement District.

Upon the subdivision of any parcel, the total Assessment allocated to that parcel prior to the subdivision shall be allocated to the parcels resulting from the subdivision in accordance with the established assessment allocation methodology. The Assessments on the parent parcel prior to the subdivision shall equal the sum of the Assessments on the resulting parcels after the subdivision of the parent parcel.

An Assessment shall not be imposed upon property within the boundaries of the Improvement District that does not receive a benefit from the Improvements. An Assessment shall not be imposed upon property outside the boundaries of the Improvement District. Assessments shall also not be imposed on any property purchased or otherwise acquired by a public entity.

The proposed annual rate of the Assessments is estimated to be \$1,650 per residential unit.

Section 7. Public Hearing.

The Council hereby establishes November 23, 2020, as the date of the public hearing to be held in accordance with the provisions of Section 6-35-130 of the Act. Such public hearing shall be held at 6:00 p.m., in Council Chambers, Administration Building, Lancaster, S.C., or at such other location in or around the complex as shall be posted at the main entrance. At the public hearing and at any adjournment of the meeting at which the public hearing is held, all interested persons may be heard either in person or by their designees.

Section 8. Public Notice.

Pursuant to Section 6-35-130 of the Act, the Council hereby authorizes the publication of a notice that provides the date, time and place of a public hearing and provides a general description of: the location of

the proposed Improvement District, the proposed Improvements, the owner of each parcel of real property that represents twenty-five percent or more by acreage of the real property situated in the proposed Improvement District; and furthermore, pursuant to Section 6-35-130 of the Act, the Council hereby authorizes the publication of this notice once a week for two successive weeks in a newspaper of general circulation within the County, with the final publication to occur at least ten days before the public hearing to be held on November 23, 2020. The Notice of Public Hearing shall be in substantially the form attached hereto as Exhibit B and incorporated herein by reference.

Section 9. Severability.

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

Section 10. Controlling Provisions.

To the extent this Resolution contains provisions that conflict with any prior orders, resolutions, and parts thereof, the provisions contained in this Resolution supersede all prior orders, resolutions and parts thereof and this Resolution is controlling as to any parts in conflict.

Section 11. Effective Date.

This Resolution takes effect upon its adoption.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Approved as to form:

John DuBose, County Attorney

EXHIBIT A
(Attached Separately)
Petition to Create the Harris Mill Residential Improvement District

EXHIBIT B

Form of Notice of Public Hearing

FORM OF NOTICE OF PUBLIC HEARING

Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, November 23, 2020, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance.

The purpose of the public hearing is to receive public comment on the creation of the Harris Mill Residential Improvement District (the "Harris Mill District").

The Harris Mill District is proposed to be located in Lancaster County and is alongside Henry Harris Road, just north of Jim Wilson Road. The real property included within the District is generally south of the Legacy Park residential subdivision. The Tar Kiln Branch runs alongside the north and west side of portions of the Harris Mill District. The real property included within the Harris Mill District is generally bordered by independently owned parcels of real property. The real property within the Harris Mill District will be accessed from Henry Harris Road.

Table A below specifies the real property within the Harris Mill District, the owner of the real property, and the approximate acreage thereof.

Table A
Real Property within the Harris Mill District

Parcel	Owner	Acres
0014-00-005.00	Lennar Carolinas, LLC	72.730
0014-00-025.00	Lennar Carolinas, LLC	71.642
0014-00-025.01	Lennar Carolinas, LLC	105.677
0014-00-025.06	Lennar Carolinas, LLC	14.475
0014-00-032.01	Lennar Carolinas, LLC	52.910
0014-00-034.04	Lennar Carolinas, LLC	3.344
Total		320.778

The Improvements to be made in or for the benefit of the Harris Mill District include road improvements and water and sewer infrastructure.

Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission on the county website (<https://www.mylancastercsc.org/index.asp?SEC={DF11C6C4-BC53-4CD5-8A07-0847EAA1F478}>), email to ssimpson@lancastercsc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of

it, all interested persons may be heard either in person or by their designee or by submission of written comments.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PETITION

**PETITION FOR THE CREATION OF
HARRIS MILL RESIDENTIAL IMPROVEMENT DISTRICT**

TO: THE HONORABLE CHAIRMAN AND MEMBERS OF THE COUNTY COUNCIL OF THE
 COUNTY OF LANCASTER, SOUTH CAROLINA

The undersigned petitioner, Lennar Carolinas, LLC (the “*Petitioner*”), acting pursuant to the provisions of Chapter 35 of Title 6 of the South Carolina Code of Laws 1976, as amended (the “*Residential Improvement Act*” or the “*Act*”), requests that the County of Lancaster, South Carolina (the “*County*”) establish a residential improvement district with respect to the real property described on Exhibit A hereto (the “*Land*”) within the County, and in support of this petition the Petitioner presents the following:

Section 1. Standing of Petitioner; Ownership of Land; Execution of Petition:

In compliance with the requirements of Section 6-35-118(1) of the Act, as of the date of this petition, the Petitioner is the owner of all of the Land, which is comprised of all real property to be included in the residential improvement district the Petitioner hereby requests that Lancaster County Council (the “*County Council*”) create and upon which the Petitioner requests that the County Council impose “assessments” under and as defined in the Act in order to defray costs of certain improvements, as more fully described herein. The residential improvement district that is the subject of this petition is referred to herein as the “*Harris Mill Residential Improvement District*” or the “*District*”. This petition has been signed by an authorized officer of Petitioner.

Section 2. Legal Description of Land:

In compliance with the requirements of Section 6-35-118(2) of the Act, a legal description of the Land, which is comprised of all real property to be included in the District, is included in Exhibit A attached hereto and incorporated in this petition by this reference.

Section 3. Improvement Plan; Projected Time Schedule for Accomplishment of Improvement Plan; Estimated Cost; Amount of Cost to be Derived from Assessments or from Bond Secured by Assessments; Proposed Basis and Rates of Assessments:

In compliance with the requirements of Section 6-35-118(3) of the Act, this petition contains the following elements:

(a) *Improvement Plan.* The Improvement Plan – Harris Mill Residential Improvement District (the “Improvement Plan”) is attached hereto as Exhibit B and incorporated herein by this reference. The Improvement Plan is an “improvement plan” within the meaning of and as described in the Act.

(b) *Projected Time Schedule for Accomplishment of Improvement Plan.* The Petitioner began implementation of the Improvement Plan in the second quarter of 2020 and Petitioner projects that the Improvement Plan will be implemented in phases over a period of five years.

(c) *Estimated Cost.* The total estimated, uninflated cost of all of the potential Improvements (as defined in the Improvement Plan) is approximately \$5,913,000 and such costs will be financed, in whole or in part, by “assessments” (within the meaning of Section 6-35-20 of the Act) on real property in the Harris Mill Residential Improvement District benefiting from the Improvements (“Assessments”). For more detail on the estimated cost of the Improvements, see Table C in the Improvement Plan attached hereto as Exhibit B and incorporated herein by this reference.

(d) *Amount of Cost to be Derived from Assessments or from Bonds Secured by Assessments and Proposed Basis and Rates of Assessments.*

(i) It is expected that all of the costs of the Improvements (as estimated in (c) above) will be derived from Assessments or from bonds secured by Assessments (the actual amount of Improvements to be funded will be limited by the actual bonds issued and the Assessments that are levied). If bonds secured by Assessments are issued, it is expected that the proceeds of such bonds will be used to pay or fund costs of the Improvements, capitalized interest on the bonds, if any, a debt service reserve fund, if any, the costs of issuing bonds, and the initial costs of administering the Harris Mill Residential Improvement District. In addition, if bonds secured by Assessments are issued, the Assessments imposed and collected are expected to be used to pay debt service on the bonds, including principal and interest and redemption premium, if any, as well as the ongoing costs of administering the Harris Mill Residential Improvement District.

(ii) Assessments shall be imposed upon each parcel of real property in the Harris Mill Residential Improvement District based upon such parcel’s expected development use and the estimated benefit of the Improvements to the parcel, according to the procedures set forth in an assessment roll, a Rate and Method of Apportionment of Assessments, and an assessment report, which shall establish an assessment allocation methodology which fairly reflects the benefits derived from the Improvements.

The total of the Assessments shall be based on actual costs of the Improvements or reasonable estimates of the cost of the Improvements, to include, but not be limited to, interest expense, principal repayment, bond issuance costs, design and engineering costs and costs associated with the establishment and administration of the Harris Mill Residential Improvement District. The proposed annual rate of the Assessments is estimated to be \$1,650 per residential unit.

Upon the subdivision of any parcel, the total Assessment allocated to that parcel prior to the subdivision shall be allocated to the parcels resulting from the subdivision in accordance with the established assessment allocation methodology. The Assessments on the parent parcel prior to the subdivision shall equal the sum of the Assessments on the resulting parcels after the subdivision of the parent parcel.

An Assessment shall not be imposed upon property within the boundaries of the Harris Mill Residential Improvement District that does not receive a benefit from the Improvements. An Assessment shall not be imposed upon property outside the boundaries of the Harris Mill Residential Improvement District. Assessments shall also not be imposed on any property purchased or otherwise acquired by a public entity.

The Petitioner hereby respectfully requests the creation of the Harris Mill Residential Improvement District, to be comprised of the Land, and the imposition of assessments upon the Land. This petition will be filed with the County Clerk in support of the creation of the Harris Mill Residential Improvement District by the County Council as herein provided.

PETITIONER:

LENNAR CAROLINAS, LLC

By: [Signature]
Name: MARK HENNINGER
Its: VICE PRESIDENT

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

ACKNOWLEDGEMENT

This instrument was signed and acknowledged before me on this 6th day of October, 2020 by Mark Henninger, for an on behalf of said limited liability company.



[Signature]
Name: Michelle A. Fischer
Notary Public, State of North Carolina
My Commission Expires: 4.17.2022

Exhibit A

Harris Mill Residential Improvement District
Property Legal Descriptions

Parcel 1

BEGINNING at a point in the right-of-way of Henry Harris Road (66 foot right-of-way), said point being the southeasterly point of the subject property, and being located west of Green Pond Road and said point also being located east of the property of Ashe Farms, Inc. (now or formerly) the following two courses and distances: 1) Starting at the easternmost corner of the property of Ashe Farms, Inc., proceed S 37-40-47 E 54.41 feet to a point; and 2) S 33-00-33 E 560.35 feet; from said BEGINNING point proceed within the right-of-way of Henry Harris Road N 33-00-3 W 560.35 feet to a point; thence N 37-40-47 W 54.41 feet to a point, a corner of Ashe Farms, Inc.; thence with the centerline of a gravel drive the following seven courses and distances: 1) N 21-17-47 W 269.42 feet to a point; 2) N 27-56-27 W 61.84 feet to a point; 3) N 42-34-25 W 52.76 feet to a point; 4) N 55-00-58 W 58.24 feet to a point; 5) N 59-30-36 W 112.49 feet to a point; 6) N 56-37-48 W 78.92 feet to a point; and 7) N 52-23-33 W 69.47 feet to an old #4 rebar; thence along the centerline of a creek the following eight calls and distances: 1) S 60-40-26 W 37.72 feet to a point; 2) S 12-54-16 E 24.58 feet to a point; 3) S 34-01-41 W 20.41 feet to a point; 4) N 72-17-30 W 36.80 feet to a point; 5) S 73-41-33 W 42.85 feet to a point; 6) S 40-58-38 W 42.67 feet to a point; 7) N 57-52-23 W 113.10 feet to a point; and 8) S 54-54-11 W 50.00 feet to a point; thence with the line of Boral Bricks, Inc., now or formerly, two courses and distances: 1) N 17-51-19 W 387.17 feet to an old #5 rebar; and 2) N 02-06-50 E 1,665.13 feet to an old 2-inch pipe; thence N 02-48-45 E 2,062.35 feet to an old 2-inch pipe; thence N 82-42-11 E 299.13 feet to an old 2-inch pipe; thence S 02-29-59 W 389.07 feet to a point; thence S 02-29-50 W 199.62 feet to a point; thence S 02-24-20 W 301.28 feet to a point; thence S 02-26-48 W 299.33 feet to an old 2-inch pipe; thence S 02-33-57 W 361.36 feet to an old #5 rebar; thence S 02-21-06 W 314.25 feet to an old 3/4-inch pipe; thence S 02-11-21 W 250.41 feet to an old 2-inch pipe; thence S 85-45-19 E 1,356.77 feet (passing a new #5 rebar at 678.42 feet) to an old 2-inch pipe; thence S 06-35-12 W 1,581.00 feet to an old #5 rebar; thence S 05-50-12 W 98.5 feet to a point in Green Pond Road; thence S 20-50-12 W 330.00 feet to a point in Green Pond Road; thence S 08-20-12 W 255.00 feet to a point in Green Pond Road; thence S 06-50-12 W 375.00 feet to a point in Green Pond Road; thence S 04-37-18 E 201.00 feet to a point; thence S 66-55-00 W 198.64 feet (passing an old 2-inch pipe at 176.32 feet) to the point and place of BEGINNING, and being all of Tracts 1 and 2, containing approximately 96.71 acres as shown on a survey entitled "Property of Louis M. Davis and Jane R. Davis" dated August 12, 1996, by Kenneth R. Staton, SCRLS.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING PARCELS:

Parcel No. 1:

All that certain piece, parcel or lot of land, lying, being and situate in the State of South Carolina, County of Lancaster, Indian Land Township on. Henry Harris Road and being designated as 14.477 acres and according to a survey thereof prepared by Kenneth R. Staton, R.L.S. dated May 19, 1997 and recorded as Plat 97-368 which plat is craved for a more complete and accurate description.

Parcel No. 2:

All that certain piece, parcel or tract of land lying, being and situate in the County of Lancaster, State of South Carolina, and being shown and designated as 10.40 acres, more or less, on a Plat of Property of Lynn Morrill and John B. Morrill, Sr., prepared by Kenneth R. Staton, SCRLS, dated March 30, 1998, and recorded in the Office of the Clerk of Court for Lancaster County in Plat No. 98-310 and being more particularly described according to said plat as follows: BEGINNING at a point in the center of Green Pond Road, joint front corner of other property of grantors and running thence N 64-30-25 W 801.04 feet to a new iron; thence N 45-29-03 E 914.24 feet to a new iron; thence S 69-48-49 E 217.09 feet to a new iron; thence S 06-35-48 W 755.00 feet to an old iron; thence S 05-50-12 W 69.05 feet to a point in center of Green Pond Road; thence with center of Green Pond Road S 21-51-54 W 100 feet to the point of beginning.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 16, 2019 from James L. Davis, as Trustee of the Jane R. Davis 2005 Living Trust U/A dtd. 7/20/05 recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1292, Page 320.

Parcel 2

All that certain piece or lot of land together with the improvements thereon, lying, being and situate in Indian Land, township, Lancaster County, South Carolina containing 74.9 more or less and being bounded, now or formerly as follows. North by Tar Kiln Branch and lands owned by Vance Baker, East by lands of Ashe Brick Co; South by land of Ashe Brick Co, and west by lands of Willie Howie and the Tar Kiln Branch. Being the identical property set out and described on Plat of Survey made by T.W. Secrest, Surveyor on February 18, 1910 as found recorded in the Office of the Register of Deeds for Lancaster County, South Carolina as Plat Number 620, reference to which said plat is craved for a more minute description.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 12, 2019 from Rebecca Stephens n/k/a Rebecca Harris Stephens Koszttyo, Trustee of the Family Trust of Margaret Skeen Harris recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1292, Page 326.

For reference only: TMS# 0014-00-005.00

Parcel 3

All that certain piece, parcel or tract of land situate, lying and being in the State of South Carolina, County of Lancaster, in Indianland Township, fronting on South Carolina Highway No. 521 leading from Lancaster to Charlotte, North Carolina, 838.1 feet and containing 395.4 acres, more or less, having such courses and distances as shown on plat of C. Edgar Williams, Jr., dated June, 1960, and recorded in the Office of the Clerk of Court for Lancaster County in Plat Book 11, at Page 59. For a more complete description reference to said plat is craved. Being the identical property conveyed to J. M. Wallace Land Company, a North Carolina partnership by deed recorded in the Office of the Clerk of Court for Lancaster County in Deed Book E-6, Page 2718.

LESS AND EXCEPT that portion of the above described property gifted to the Indianland Volunteer Fire Department.

LESS AND EXCEPT that portion of the above described property gifted to Providence Presbytery, Inc.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 16, 2019 from The Wallace Indian Land, LLC and Katherine Wallace Hodges recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1292, Page 330.

TMS No.: 0014-00-032.01

Parcel 4

All that certain piece, parcel or tract of land lying and being situate in the State of South Carolina, County of Lancaster, Indian Land Township, containing 105.808 acres, and according to a survey thereof prepared by Wm. D. Enfinger, R.L. S., dated December 10, 1986, and recorded as Plat No. 8356, in the office of the Clerk of Court of Lancaster County, having the following courses and distances, to wit: Beginning at old railroad spike in right of way Harris Road (State Highway No. 29-161), thence N. 20-22-48 W. 412.68 feet to an iron pin; thence N. 17-50-44 W. 482.89 feet to an iron pin; thence S. 85-45-32 W. 191.09 feet to an iron pin; thence S. 00-12-11 W. 668.83 feet to an iron pin; thence N. 72-11-53 W. 763.05 feet to an iron pin; thence N. 70-16-40 W. 194.98 feet to an iron pin; thence N. 70-17-44 W. 309.99 feet to an iron pin; thence N. 70-07-22 W. 167.40 feet to an iron pin; thence N. 58-23-46 W. 117.97 feet to an iron pin on creek bank, which pin is located 10 feet from center of said creek; thence N. 58-23-46 W. 153.48 feet to an iron pin; thence S. 85-24-52 W. 123.30 feet, thence N. 20-41-31 W. 837.87 feet to an iron pin on creek bank; thence along center line of Tarkill Branch, the centerline thereof being the property line, N. 2-34-03 W. 57.57 feet, thence N. 10-12-11 E. 203.83 feet, thence N. 41-17-04 E. 289.16 feet, thence N. 41-30-53 E. 56.73 feet, thence N. 30-48-16 E. 189.80 feet, thence N. 7-29-21 E. 92.77 feet, thence N. 33-11-48 W. 65.81 feet, thence N. 52-32-08 W. 58.40 feet, thence N. 81-51-12 W. 44.12 feet, thence N. 29-40-47 W. 16.65 feet, thence S. 81-45-48 W. 106.37 feet; thence S. 67-35-39 W. 73.49 feet, thence S. 61-57-41 W. 13.75 feet, thence N. 8-05-05 W. 11.64 feet, thence N. 28-55-41 W. 205.10 feet, thence N. 4-23-37 W. 151.78 feet to an iron rod in the center of said branch; thence leaving center of said branch S. 87-7-30 E. 16.27 feet to an iron pin on creek bank; thence S. 85-32-47 E. 2392.14 feet to an iron pin; thence S. 2-19-56 W. 1666.05 feet to an iron pin; thence S. 17-50-44 E. 481.12 feet to an iron pin; thence S. 20-22-48 E. 416.69 feet to a railroad spike set in right of way of Harris Road; thence continuing in right of way of Harris Road S. 73-45-16 W. 80.21 feet to the point of beginning.

Derivation: This being a portion of the property conveyed to Lennar Carolinas, LLC by deed dated December 12, 2019 from Henry Harris Road – Lancaster, LLC and The BWP Family LLC recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1293, Page 1.

Tax Map No.: 0014-00-025.01

Parcel 5

Being all of that certain piece, parcel or tract of land lying and being situate in Indian Land Township, Lancaster County, South Carolina consisting of 3.339 acres, more or less, located on Henry Harris Road and shown on survey of Hugh E. White, Jr., PLS, of Carolina Surveyors, Inc. dated July 18, 2014 and recorded September 23, 2014 in Book 2014, Page 599 of the Lancaster County Register of Deeds, reference to which plat is hereby made for a more particular description by metes and bounds.

Derivation: This being a portion of the property conveyed to Lennar Carolinas, LLC by deed dated December 12, 2019 from Henry Harris Road – Lancaster, LLC and The BWP Family LLC recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1293, Page 1.

Tax Map No.: 0014-00-034.04

Parcel 6

BEING all of that certain piece, parcel or lot of land lying, being and situate in the State of South Carolina, County of Lancaster, Indian Land Township on Henry Harris Road and being designated as 14.477 acres and according to a survey thereof prepared by Kenneth R. Staton R.L.S. dated May 19, 1997 and recorded as Plat 97-368, which plat is craved for a more complete and accurate description.

Derivation: This being the same property conveyed to Lennar Carolinas, LLC by deed dated December 13, 2019 from Karry Elson and Rebecca J. Elson recorded December 16, 2019 in the Office of the Register of Deeds for Lancaster County in Deed Book 1292, Page 314.

PARCEL ID/TAX MAP NUMBER: 0014-00-025.06

Exhibit B

Improvement Plan – Harris Mill Residential Improvement District

IMPROVEMENT PLAN – HARRIS MILL RESIDENTIAL IMPROVEMENT DISTRICT

Pursuant to the Residential Improvement District Act (S. C. Code Section 6-35-10, *et seq.* and, as amended from time to time, the “Act”), and subject to the receipt of all necessary public and governmental approval (as set forth in the Act), Lancaster County, South Carolina (the “County”) is authorized to designate an area within the County (such designated area defined in the Act as a “district” and such designated area being referred to herein as an “Improvement District”) in which or for which the County proposes to provide for the construction and installation of various improvements, public works and facilities.

The County, Lennar Carolinas, LLC (the “Owner”) and on behalf of all future owners or other interested parties, desire to create an Improvement District (the “Harris Mill Residential Improvement District”) and provide for the provision and funding of various improvements and public works for the benefit of the County and the future users of the real property identified below.

The Act requires that the County adopt an “Improvement Plan” which is accepted by the Owner in connection with its establishment of an Improvement District. As set forth in the Act, the general purpose of an Improvement Plan is to establish the overall plan by which the Lancaster County Council (the “Governing Body”) proposes to effect improvements within an Improvement District in order to encourage and promote private or public development within the Improvement District. This Improvement Plan is written, and intended, to meet the Act’s requirements for an Improvement Plan for purposes of the Harris Mill Residential Improvement District. Through the execution of this Improvement Plan, and the implementation of the various public improvements that it contemplates, the County intends to provide a benefit to the underlying real property, improve the property values and promote the development of the Harris Mill Improvement District. The County also anticipates that the County at large will benefit from the public nature of such improvements.

Description of the Harris Mill Residential Improvement District

The real property included within the Harris Mill Residential Improvement District (the “District”) is located in the County and is alongside Henry Harris Road, just north of Jim Wilson Road. The real property included within the District is generally south of the Legacy Park residential subdivision. The Tar Kiln Branch runs alongside the north and west side of portions of the District. The real property included within the District is generally bordered by independently owned parcels of real property. The real property within the District will be accessed from Henry Harris Road.

Table A below specifies the real property within the District and the approximate acreage thereof.

Table A
Real Property within the District

Parcel	Owner	Acres
0014-00-005.00	Lennar Carolinas, LLC	72.730
0014-00-025.00	Lennar Carolinas, LLC	71.642
0014-00-025.01	Lennar Carolinas, LLC	105.677
0014-00-025.06	Lennar Carolinas, LLC	14.475
0014-00-032.01	Lennar Carolinas, LLC	52.910
0014-00-034.04	Lennar Carolinas, LLC	3.344
Total		320.778

As indicated in Table A above, the District is approximately 320.778 acres in total.

For further illustration, a map of the real property in the District is shown on **Exhibit A** and attached hereto.

Proposed Land Use

It is anticipated that the Owner (and/or any future owners of the real property in the District, or portions thereof) will develop the property located within the District in accordance with the current zoning designation of Medium Density Residential District, as established for the real property in the District by County Ordinance No. 2018-1544 and County Ordinance No. 2019-1566.

The County's Medium Density Residential District zoning specifies that many land uses, including but not limited to the following, are permitted:

- Residential, including but not limited to detached single-family homes and attached single family homes
- Recreation facility
- Green space

The Owner's development plan contemplates the creation of a master-planned, residential community. The Owner's current expectation for development uses within the District is shown in **Table B** below.

Table B
Owner's Estimated Development Uses

Expected Use	Expected Quantity
<u>Residential</u>	<u>Units</u>
Single family homes, detached, for sale	382
<u>Non-residential</u>	
Recreation facility (amenity center)	1

The County's Medium Density Residential District zoning allows for 2.5 residential units per acre, which equates to approximately 800 residential units for the real property in the District. The Owner, through its preliminary plat submittal (which the County approved on August 28, 2019), is planning for 382 residential units, well below the allowed number of residential units.

Notwithstanding the foregoing, it is understood that development uses that are distinct from the types and amounts shown in the table above may occur as a result of market demand or changes in the development plans. Any such deviation will nevertheless be consistent with the County's zoning requirements.

Government Approvals and Regulatory Agency Permits

As indicated above, the expected development uses are allowed under current zoning and land use regulations. Nevertheless, it is understood by all involved parties that Owner's development of the real property in the District will require ongoing compliance with all applicable zoning and land use regulations. To the extent the Owner (or other applicable party) has not already obtained them as of the date hereof, permits and approvals that are administrative in nature, including but not limited to approvals from agencies or departments of the United States of America, the State of South Carolina (the "State"), the County, utilities, or other similar jurisdictional bodies, will be obtained in the standard course of development.

The Improvements

The primary goal of this Improvement Plan is to provide certain public improvements that will serve the real property in the District. This will be accomplished through the construction and/or acquisition of the public improvements (collectively the "Improvements") specified in Table C below.

Each of the Improvements is intended to constitute an "Improvement" as such term is defined in the Act. All such Improvements (as approved or accepted by the County as provided herein) shall be deemed authorized by this Improvement Plan.

This Improvement Plan is not intended to be, and should not be construed as, a guaranty or commitment by the Owner or the County to implement the Improvement Plan and/or cause the creation of any or all of the referenced Improvements. To the extent that the Improvements are constructed, the timing of the construction shall be determined by the Owner.

The locations of certain Improvements will be determined at a later point in time by the Owner, the Lancaster County Water and Sewer District (the "LCWSD") and the County and may vary based on a number of factors. In accordance with the Act, certain Improvements will be located outside of the District; such Improvements will provide a benefit to the real property with the District. The general location of certain anticipated Improvements is shown on **Exhibit A**. The "Service Area," as the term is defined in the Act, for each Improvement is specified on **Exhibit B**.

The estimated total cost of the Improvements is approximately \$5,913,000. The estimated cost of the Improvements are specified in Table C below.

Table C
Improvements and Estimated Cost Thereof

Improvements	Estimated Cost
<u>Road infrastructure</u>	-
Henry Harris Road creek crossing	\$1,900,000
Roundabout at intersection of Henry Harris Road and Jim Wilson Road.	\$800,000
Intersection at Highway 521 and Jim Wilson Road	\$184,000
Intersection at Highway 521 and Shelley Mullis Road	\$288,000
Intersection at Henry Harris Road and Shelley Mullis Road	\$150,000
Acceleration and deceleration lanes within and alongside Henry Harris Road	\$200,000
Subtotal for road infrastructure	\$3,522,000
<u>Water and sewer infrastructure</u>	
Water and sewer system infrastructure, including: pump station, an access road to the pump station, force main, sewer and water trunk lines	\$2,391,000
Subtotal for water and sewer infrastructure	\$2,391,000
Total	\$5,913,000

The foregoing estimates provided herein are for informational purposes only and the parties acknowledge and agree that the Assessments, as defined below, imposed for the District are not anticipated to generate funding sufficient to fund the entire cost of the Improvements. On the contrary, the Assessments to be imposed on the real property in the District are anticipated to contribute towards the costs of the Improvements. It is also understood that the inclusion of the Improvements within this Improvement Plan shall not prohibit the funding of the Improvements from methods and sources other than the Assessments.

Design and engineering work for certain Improvements has already started; the costs of such services are included in the estimates specified above and in accordance with the Act, are eligible for funding from the Assessments.

The Improvements shall be constructed in accordance with all governmental standards, including appropriate permits, approvals, reviews and acceptances by the County, the LCWSD , the State and the United States of America. Pursuant to the Act, the County may contract with the Owner or other third party for the construction of the Improvements.

Furthermore, in addition to the Improvements, other public improvements not contemplated or covered by this Improvement Plan are possible and may be constructed within the Improvement District.

Projected Time Schedule for the Accomplishment of the Improvement Plan

The Owner projects that the Improvements will be constructed and/or acquired within five years.

To the extent that the Improvements are constructed, the timing of the construction shall be determined by the Owner.

Ownership and Maintenance of the Improvements

The Improvements will be owned by the County, the LCWSD or the State.

The Improvements will be maintained by the County, the LCWSD or the State.

Sources of Funds

The Owner and County anticipate obtaining the funds required to construct the Improvements from the following sources:

- Proceeds from an anticipated revenue bond (or other borrowing) issued by the County and secured by the Assessments (as defined below);
- The improvement fee to be paid by the Owner, as specified in the Act, in the amount of four percent of the par value of revenue bonds (or other borrowing) issued by the County and secured by the Assessments.

As allowed by the Act, special assessments (the “Assessments”) are expected to be imposed by the County on the real property in the District in order to help fund a portion of the costs of the Improvements. In particular, the County shall impose Assessments in order to 1) fund a portion of the costs of the Improvements, including the estimated debt service and issuance costs of the anticipated revenue bonds, 2) fund the costs incurred to establish the District and to impose the Assessments, and 3) fund the administrative costs of the District.

The Owner projects that the Assessments (or bonds secured by the Assessments) will fund all of the estimated cost of the Improvements.

The Assessments will be billed and collected by the County on an annual basis through the annual real property tax billing process. Collected revenues from the Assessments may, in certain cases, be used to directly fund the initial costs of Improvements. Additional sources of revenue not mentioned within this Improvement Plan but allowed by State law may also be utilized independently or in combination with the revenue sources stated above to execute this Improvement Plan.

Proposed Basis and Rates of Assessment to be Imposed within the Improvement District

Assessments shall be imposed upon real property in the District in accordance with each of the District documents (including, without limitation, any Report on the Reasonable Basis of the Assessments, Assessment Roll or The Rate and Method of Apportionment of Assessments, all expected to be prepared for the County by MuniCap, Inc., a public finance consultancy that specializes in special assessment districts), to the extent such documents are approved by the County

and/or its Governing Body (collectively the "Improvement District Documents"). The Improvement District Documents shall establish special assessment rates that fairly reflect the benefits derived from the Improvements by each of the individual parcels within the District (both the currently existing parcels and to be created parcels).

Notwithstanding the foregoing, an Assessment shall not be imposed upon any real property located outside of the District or any real property located within the District that does not receive a special benefit from the Improvements. In addition, Assessments shall not be imposed on any real property that is expressly reserved for the use of a public entity.

The Assessments will be allocated in part based upon each parcel's distinct development classification and such classification's projected utilization of the Improvements. Accordingly, the methodology and procedure for allocating Assessments shall provide that, as real property within the District is subdivided, the expected development use of the subdivided real property (including the quantity of the expected development use) shall be utilized to apportion the Assessments to the subdivided real property. In each case, the sum of the Assessments on all parcels resulting from a subdivision shall equal the total Assessment of the single parcel in question prior to the subdivision. Pursuant to the Act, the basis of the Assessments may allow for changes in the annual billing of the Assessments upon subdivisions and/or other events, as specified in the Improvement District Documents.

Termination of Assessments

The Assessments will terminate upon the full payment of the anticipated thirty-year billing cycle of the Assessments. The Assessments on a parcel will terminate upon the full payment of the Assessments that are allocated to such parcel, which may occur upon an allowed full prepayment of the Assessments on a parcel or at the completion of the thirty-year billing period described above.

Amendments

This Improvement Plan may be amended or supplemented from time to time in accordance with the Act.

Exhibit List (on the following page):

Exhibit A – An exhibit that shows the boundaries of the District and the currently planned location of the Improvements.

Exhibit B – An exhibit that describes and shows the location of the Service Areas for certain Improvements.

Exhibit A to Improvement Plan

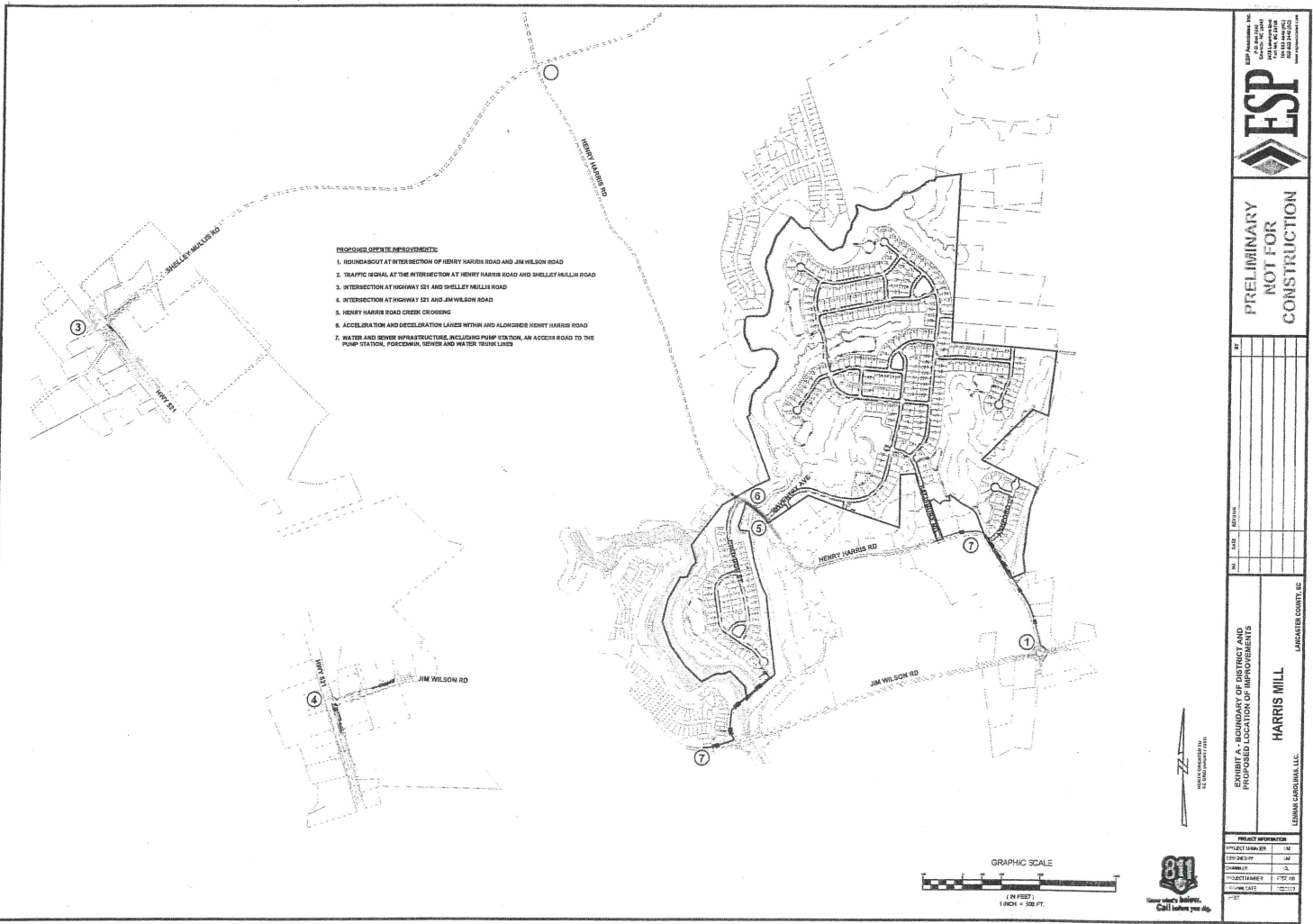


Exhibit B to Improvement Plan

EXHIBIT B

The Service Areas for the road and transportation Improvements that are located outside of the District are provided below. The Service Areas are based on Owner's analysis, including input from a traffic specialist with the South Carolina Department of Transportation and a traffic impact analyst with experience in the Lancaster County region.

The Service Area for each Improvement is described individually below; however, it is worth noting that each of these Improvements:

- 1) impacts vehicles from the region, including both North Carolina and South Carolina, during peak traffic times;
- 2) helps to alleviate traffic jams so that each vehicle which utilizes any of these Improvements moves more smoothly on each road and at each intersection; and,
- 3) generally, positively impacts traffic flow within three to five miles of the Improvement.

The Improvements located outside of the District:

- 1) **Roundabout at the intersection of Henry Harris Road and Jim Wilson Road.** The Service Area ranges from Providence Road, in North Carolina, to the east, to the intersection of Henry Harris Road at 521 North to the south, to Highway 521 to the west and to Shelly Mullis Road to the north.
- 2) **Traffic signal at the intersection of Henry Harris Road and Shelly Mullis Road.** The Service Area ranges north and south on Henry Harris Road from the North Carolina state line in the north to Highway 521 at the southern most point of Henry Harris Road. In addition, the Service Area extends east to Waxhaw Marvin Road in North Carolina and west to Highway 521.
- 3) **Intersection at Highway 521 and Shelly Mullis Road.** The Service Area ranges from Highway 160 in the north to Jim Wilson Road in the south, and extends from the state line in the east to the Catawba River in the west.
- 4) **Intersection of Highway 521 and Jim Wilson Road.** The Service Area ranges from Shelly Mullis Road in the north to Highway 175 in the south, and extends from the state line in the east to the Catawba River in the west.
- 5) **The Henry Harris Road creek crossing.** The Service Area ranges from Highway 521 to the west, the North Carolina state line to the north and east and Jim Wilson Road to the south.
- 6) **Acceleration and deceleration lanes within and alongside Henry Harris Road.** The Service Area ranges from Highway 521 to the west, the North Carolina state line to the north and east and Jim Wilson Road to the south.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1690

Contact Person / Sponsor: Steve Willis/ Administration, John DuBose/County Attorney, and Frannie Heizer/Burr Foreman
Department: Attorney

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Potential establishment of a Residential Improvement District for the Lennar - Harris Mill project.

Points to Consider:

This would be Lancaster County's first time utilizing a Residential Improvement District ("RID"). A RID is very similar to the Public Works improvement District ("PWID") that Council is familiar with (Sun City and Walnut Creek) but the RID provides for both on-site improvements and off-site improvements while a PWID essentially only provides for on-site improvements.

Municipal is handling the financial aspects and preparation of the assessment roll for the district. Our Finance staff has a long-standing good relationship with Municipal.

The companion Resolution establishes a public hearing date for the RID proposal on November 23, 2020. The nature of the public hearing requirements in the RID statute will result in consideration of the Ordinance establishing the RID to occur on non-consecutive meetings.

At present some of the attachments and sections of the Ordinance are incomplete but are expected to be finalized on or about the second reading of the Ordinance.

Funding and Liability Factors:

The Residential Improvement District is financed by a special assessment on property tax bills, just as the Public Work Improvement Districts that County Council is already familiar with.

It is estimated that the annual assessment will be approximately \$1,650.00 per residential unit.

Council Options:

To approve the ordinance or not.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2020-1690	10/6/2020	Ordinance

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
)
)

ORDINANCE NO. 2020-1690

AN ORDINANCE

AUTHORIZING THE CREATION OF THE HARRIS MILL RESIDENTIAL IMPROVEMENT DISTRICT; APPROVING AND AUTHORIZING THE IMPLEMENTATION OF THE IMPROVEMENT PLAN; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE HARRIS MILL IMPROVEMENT DISTRICT BY ASSESSMENT, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; APPROVING AN ASSESSMENT ROLL AND PROVIDING NOTICE THEREOF; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Findings.

The County Council ("County Council") of Lancaster County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Title 6, Chapter 35, Code of Laws of South Carolina 1976, as amended (the "Act"), governing bodies of counties are authorized to acquire, own, construct, establish, install, enlarge, improve, expand, operate, maintain and repair, and sell, lease, and otherwise dispose of any "improvements" (within the meaning of Section 6-35-20(2) of the Act) and to finance such acquisition, construction, establishment, installation, enlargement, improvement, expansion, operation, maintenance, and repair, in whole or in part, by the imposition of assessments, by special district bonds, by revenue bonds of such counties, or from general revenues from any source not restricted from such use by law, or by any combination of such funding sources.

(b) As set forth in Resolution No. 1116-R2020 adopted by the County Council on _____ (the "Resolution"), the County has caused to be prepared an "improvement plan" within the meaning of Section 6-35-20(3) of the Residential Improvement District Act (the "Act"), entitled: "Harris Mill Residential Improvement Plan" (the "Improvement Plan") attached hereto as Exhibit A. As described in the Improvement Plan, the cost of some or all of the Improvements will be funded from the imposition and collection of an "assessment" within the meaning of Section 6-35-20(1) of the Act (the "Assessment"). The Improvement Plan, together with the Report on the Reasonable Basis of Assessments (the "Assessment Report") attached hereto as Exhibit B, and the Assessment Roll with attached Rate and Method of Apportionment of Assessments (the "Assessment Roll") attached hereto as Exhibit C and referred to in the Assessment Report, as each may be amended from time to time, contemplate the creation of the Harris Mill Residential Improvement District (the "Harris Mill District"), the implementation of the Improvements (as defined herein), and the payment of the costs of the Improvements by the imposition and collection of Assessments on the property in the Harris Mill District.

(c) The Improvement Plan contemplates that the Harris Mill District shall consist of property located in the County alongside Henry Harris Road, just north of Jim Wilson Road. The real property included within the Harris Mill District is generally south of the Legacy Park residential subdivision. The Tar Kiln Branch runs alongside the north and west side of portions of the Harris Mill District. The real property included within the Harris Mill District is generally bordered by independently owned parcels of real property. The real property within the Harris Mill District will be accessed from Henry Harris Road.

Table A below specifies the real property within the Harris Mill District and the approximate acreage thereof.

Table A
Real Property within the Harris Mill District

Parcel	Owner	Acres
0014-00-005.00	Lennar Carolinas, LLC	72.730
0014-00-025.00	Lennar Carolinas, LLC	71.642
0014-00-025.01	Lennar Carolinas, LLC	105.677
0014-00-025.06	Lennar Carolinas, LLC	14.475
0014-00-032.01	Lennar Carolinas, LLC	52.910
0014-00-034.04	Lennar Carolinas, LLC	3.344
Total		320.778

As indicated in Table A above, the Harris Mill District is approximately 320.778 acres in total.

(d) The County has previously zoned the real property within the Harris Mill District, in whole or in part, as a Medium Density Residential District, as established for the real property in the Harris Mill District by County Ordinance No. 2018-1544 and County Ordinance No. 2019-1566.

(e) The County and the owner of all real property located in the Harris Mill District have agreed that certain road infrastructure and water and sewer infrastructure, as more particularly described in the Improvement Plan, constitute “Improvements” (within the meaning of Section 6-35-20(2) of the Act).

(f) Pursuant to Section 6-35-130 of the Act and the provisions of the Resolution, a public hearing concerning the Resolution was held on November 23, 2020, which date was neither sooner than 30 days and nor more than 45 days following the adoption of the Resolution and neither less than ten days nor more than 120 days before the passage of this ordinance.

(g) Pursuant to Section 6-35-130(A) of the Act, a notice of the public hearing was published once a week for two successive weeks in *The Lancaster News*, which is a newspaper of general circulation in the County. The last date of publication was not less than ten days prior to the date of the public hearing concerning the Resolution.

(h) Pursuant to Section 6-35-170(B) of the Act, County Council hereby finds that:

(1) The Improvements may benefit the Harris Mill District and the proposed service area;

(2) The Improvements may preserve or increase property values within the Harris Mill District;

(3) The Improvements are likely to encourage development in the Harris Mill District;

(4) The general welfare and tax base of the County would be maintained or likely improved by creation of the Harris Mill District;

(5) It would be fair and equitable to finance all or part of the cost of the Improvements by imposing an Assessment upon the real property within the Harris Mill District, and County Council may establish the area as an improvement district and implement and finance, in whole or in part, the Improvement Plan in the Harris Mill District in accordance with the provisions of the Act;

(6) The Improvements are located within the Harris Mill District or within the relevant service area; and

[(7) in circumstances where the district is proposed to consist of noncontiguous parcels, all parcels that comprise the district are situated within the relevant service area for each improvement.]

(i) County Council hereby finds that [a portion] of the Improvements may be financed by the County through the issuance of special district bonds (the “Bonds”) as provided in Section 6-35-60 of the Act.

(j) County Council finds that the cost of the acquisition, construction and equipping of the Improvements to be funded from proceeds of the Bonds will not exceed \$_____.

(k) A description of potential levels of service resulting from the Improvements: [To be provided].

(l) The methodology for the imposition, apportionment, adjustment, and termination of the Assessment is as set forth in the Assessment Report and the Assessment Roll.

(m) The expected 382 single family residential homes within the Harris Mill District is projected to result in an estimate of 573 public school students.

Section 2. Creation of Improvement District; Approval of Improvement Plan

The Harris Mill Improvement District as described above and more fully in the Improvement Plan is hereby created. The Improvement Plan, as described in Exhibit A, is approved and the implementation of the Improvement Plan is hereby authorized.

- Section 3.** **Financing of Improvements; Issuance of Special District Bonds.**
- Section 4.** **Collection of Improvement Fees (Section 6-35-100 of the Act).**
- Section 5.** **Disclosure to Prospective Purchasers (Section 6-35-95 of the Act).**
- Section 6.** **Improvements as Property of Public Entity; Alteration and Leasing (Section 6-35-160 of the Act**
- Section 7.** **Approval of Assessments and of Assessment Roll.**
- Section 8.** **Notice of Assessment Roll.**
- Section 9.** **Hearing of Objections to Assessment Roll.**
- Section 10.** **Declaration of Intent to Reimburse Certain Expenditures.**

This Ordinance shall constitute the County's declaration of official intent pursuant to Regulation §1.150-2 of the Internal Revenue Code of 1986 as amended (the "IRC") to reimburse the County from a portion of the proceeds of the Bonds for expenditures it anticipates incurring (the "Expenditures") with respect to the Improvements prior to the issuance of the Bonds. The Expenditures which are reimbursed are limited to Expenditures which are: (1) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1.150-2 of the IRC) under general federal income tax principals; or (2) certain de minimis or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the IRC. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid; or (b) the date such Improvements were placed in service, but in no event more than three (3) years after the original Expenditures.

Section 10. **Inspection.**

This Ordinance and the files of the County related to the Improvement Plan and to the Harris Mill District shall be made available to all interested persons upon twenty-four hours written notice at the Office of the Clerk to County Council at 101 North Main Street, 2nd Floor, Lancaster, South Carolina 29720.

Section 11. **Authority to Act.**

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the purposes of this Ordinance.

Section 12. **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 13. Controlling Provisions.

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

Section 14. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 12, 2020
Second Reading: November 23, 2020
Public Hearing: November 23, 2020
Third Reading: December 14, 2020

Approved as to form:

John DuBose, County Attorney

Exhibit A to Ordinance No. 2020-1690____
Harris Mill Improvement Plan

* * *

Exhibit B to Ordinance No. 2020-1690_
Report on the Reasonable Basis of Assessments

* * *

Exhibit C to Ordinance No. 2020-1690
Assessment Roll with Rate and Method of Apportionment of Assessments

* * *

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

County Council is one of three local groups that appoint a member to the Olde English Tourism District Board of Directors. The current member appointed by County Council is Andrew Jackson Park Ranger Kirk Johnston. His term has expired and in the attached letter the Olde English District has requested that County Council appoint him for a new term to expire June 30, 2023.

Points to Consider:

The letter from the Olde English District regarding Kirk Johnston's potential appointment is attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the appointment.

Recommendation:

Approve the appointment.

ATTACHMENTS:

Description	Upload Date	Type
Letter from the Olde English District regarding the reappointment of Kirk Johnston	10/5/2020	Letter



September 18, 2020

Steve Willis
County Administrator
Lancaster County Council
Box 1809
Lancaster, SC 29721

Dear Mr. Willis:

As you know, the Lancaster County Council is one of three groups in Lancaster County which appoints a representative to the Olde English District Commission. We appreciate the support that you and Lancaster County Council have given us in the past.

Currently, Mr. Kirk Johnston, Park Manager at Andrew Jackson State Park, represents County Council, but his term has expired. Commission members may succeed themselves, and we would be happy to have Mr. Johnston serve again, if that meets with the Council's approval. This new term will be for a three-year period, ending June 30, 2023. We already work closely with her and she represents the county well.

Your assistance in this matter is greatly appreciated. Many thanks to all of you for helping us better serve Lancaster County and the District. Should you need further information about our organization, please do not hesitate to call me at (803) 385-6800.

Best Regards,

Jenny Parrish
Executive Director

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration and Mary Ann Hudson/Voter Registration

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

This is a 100% grant so it is presented for information to County Council. Receipt of 100% grant from a Non-Profit.

Points to Consider:

This is a grant from a non-profit that is to be used to make voting safer this fall. Grants were awarded to county governments nationwide on a formula driven basis.

Allowable purposes of the grant include costs associated with satellite election offices, non-partisan voter education, poll worker recruitment/ hazard pay/ training expenses, cleaning expenses, and absentee voting expenses.

Funding and Liability Factors:

\$50,880 in grant funds. These funds will be handled by the Finance Department, the same as any grant funds. The use of the funds is the decision of the Election Commission.

Council Options:

N/A This is a 100% grant.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Grant Notification Letter	9/30/2020	Letter



CENTER FOR
TECH AND
CIVIC LIFE

September 21, 2020

Lancaster County, South Carolina

County Board of Elections and Voter Registration

P.O. Box 1809

101 N. Main St.

Lancaster, SC 29720

Dear Mary Ann Hudson,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Lancaster County, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of the Lancaster County Board of Elections and Voter Registration ("Grantee").

The following is a description of the grant:

AMOUNT OF GRANT: \$50,880.00 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Lancaster County in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and

jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Election department real estate costs, or costs associated with satellite election department offices, Non-partisan voter education, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and



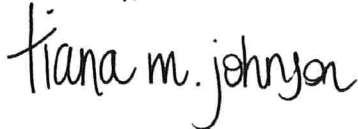
shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.

8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the County Board of Elections and Voter Registration (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandcivicle.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG

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GRANTEE

By: Mary Ann Hudson

Title: Director Registration and Elections - Lancaster
County

Date: 9/23/2020



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Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Approving Capital Project Sales Tax (CPST) funding to reclaim and resurface the parking lot in lieu of the planned resealing and re-striping at the new Kershaw Branch Library.

Points to Consider:

At the prior Council meeting a discussion of the parking lot for the Kershaw Branch Library came up. Pursuant to direction we are bringing Council the option to fully reclaim and resurface the parking lot.

Two points to clarify from the prior discussion:

- A. The contract with the vendor for the sewer line work was between the Town and vendor, not Lancaster County; and
- B. The Town received written notification of our expectation that any damage be repaired.

We have obtained a price to reclaim and resurface the entire parking lot, which is attached. As would be expected, it is more expensive than merely resealing the lot.

I would note that the parking lot has some age and this will greatly extend the time frame, by decades, before additional work is needed on the parking lot. From a life cycle cost perspective I am recommending this option.

Funding and Liability Factors:

The proposed Change Order is attached. The costs outside the pavement vendor relates to the additional time that staff from the General Contractor will need to be on site to oversee the work. We will have paving occurring immediately adjacent to the Library as well as the ATM in addition to the open space. Also, this is a rather large parking lot.

I would note that we will receive a credit for \$8,000 for the resealing work that will not take place under this option.

Funding for this work would come from the Capital Project Sales Tax.

Council Options:

To approve or reject the change order.

Recommendation:

To approve a Motion approving the Change Order related to the Kershaw Library Parking Lot. The total amount coming from CPST funding for this Change Order would be \$117,603 as we will receive the previously discussed credit. This will be addressed in a future Budget Amendment.

ATTACHMENTS:

Description	Upload Date	Type
Proposed Change Order	10/4/2020	Exhibit



Perception Builders
115 West Arch Street, Suite 201
Lancaster, South Carolina 29720
P: (803) 693-5163
F: (803) 286-9512

Project: 2019-32 - Lancaster County Library Projects
Lancaster, SC
Lancaster, South Carolina 29720
P: 8032869500
F: 8032869512

CHANGE EVENT #075 - Re-pave Kershaw Parking Lot

Origin:

Date Created: 9/29/2020
Status: Submitted For Approval
Type: Design Change

Created By: Danny Mullis
Scope: TBD
Change Reason:

Description:

Attachments:

CHANGE EVENT LINE ITEMS

			Revenue			Cost					
Cost Code	Cost Type	Vendor / Contract	ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.	Latest Cost	Over/ Under	Budget Mod.
02-310 - Grading	Subcontractor		\$106,910.00		\$106,910.00	\$106,910.00			\$106,910.00	\$0.00	
01-701 - GL Insurance	Other		\$1,229.00		\$1,229.00	\$1,229.00			\$1,229.00	\$0.00	
01-702 - P and P Bonds	Other		\$1,081.00		\$1,081.00	\$1,081.00			\$1,081.00	\$0.00	
01-703 - Overhead	Other		\$5,461.00		\$5,461.00	\$5,461.00			\$5,461.00	\$0.00	
01-704 - Profit	Other		\$10,922.00		\$10,922.00	\$10,922.00			\$10,922.00	\$0.00	
Grand Totals			\$125,603.00	\$0.00	\$125,603.00	\$125,603.00	\$0.00	\$0.00	\$125,603.00	\$0.00	\$0.00

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

A discussion of expenses for the construction of the Animal Shelter. Council approved funding in the amount of \$2,750,000 in bond funds and \$382,944 from the general Fund for the new Animal Shelter. Fund raising was supposed to cover furnishings, fixtures, and equipment.

Points to Consider:

Attached is the latest spreadsheet from Project Management. As I have previously reported to Council, the fundraising for Furnishings, Fixtures, and Equipment (FF&E) did not occur due to COVID and I made the decision we could not stop construction on the new Animal Shelter.

We are significantly over the approved budget due primarily to FF&E but also due to several change orders. We will cover all items but primary cost drivers were:

Hitting rock in the excavation. This did not show up on the geotechnical borings.

Changing from a residential washer and dryer set-up to commercial units. This is something we noted on the I&R Committee tours of Camden and Monroe. In addition, we burn through a new washer and dryer annually due to constant use. Residential units simply aren't designed for the workload at the Shelter.

Adding a generator. I made this decision to power heat and security in the event of a power failure due to ice storm, etc. In addition, it keeps the medicines temperature controlled.

I approved adding a water line to serve the garden and landscaping donated by the Garden Clubs and Shelter supporters.

FF&E primary items were cat cages and dog kennels plus the surgery room furnishings.

We made the decision about two years ago to hold off installing the new incinerator at the current site to avoid issues with moving an incinerator that has been used. That is listed but is noted as funded through the General Fund by prior action of Council.

The landscaping was not included (this was prior to Kelvin coming on board and obtaining third party cost estimates). I did approve additional landscaping between the Shelter and the Convalescent Center to reduce sight and sound impacts in an effort to avoid future complaints to Council.

Funding and Liability Factors:

We have available funding within the General Obligation Bond Fund. We did not budget all revenue and we had savings when we stopped the Fleet Maintenance facility and started on the EMS Headquarters.

I have discussed with the Shelter Advisory Committee about future fundraising covering some of the expenses originally envisioned to be paid for from fundraising. There was considerable push back as we would be fundraising for items already completed. The group was happy to consider future fundraising to help reduce General Fund operating expenses, such as medical supplies, supplies for the animals, etc.

Finally, if Council approves such we will approach local businesses to ascertain if there is any interest in potential naming rights for rooms/ runs.

Council Options:

Construction had to move forward and we are now looking at paying through bond funds or the General Fund.

Recommendation:

Approve a Resolution at the next Council meeting to utilize General Obligation Bond Funds for the balance of \$400,531.

ATTACHMENTS:

Description	Upload Date	Type
Budget Spreadsheet	10/6/2020	Backup Material

**Animal Shelter
10.05.2020**

	Expense	Revenue
Resolution 1042-R2019		
FY 20 Fund Balance		3,132,944.00 Construction + Soft Costs (undefined)
		83,690.00 Incinerator
Revenue Total		3,216,634.00

Design	189,689.00	
Engineering	40,000.00	
A&E Subtotal	229,689.00	
		Funds Remaining
Construction	2,908,659.00	307,975.00
CO #1	33,099.30	Rock excavation and misc. utilities work
CO #2	2,860.00	Add yard hydrant for garden
CO #3	28,183.30	Convert to Commercial Washer/Dryer; RTU modifications
CO #4	4,223.21	Change slide gate to swing gate
CO #5	1,301.00	Add ceiling to IT room
CO #6	1,097.75	Add fans in cat holding area
CO #7	33,591.00	Add generator and misc electrical
CO Subtotal Total	\$ 104,355.56	\$ 203,619.44 3.6%

Permits	7,756.00	
Landscaping	36,388.00	
IT & Security	31,329.52	
Furniture	6,722.91	
Signage	5,000.00	
Surgery Room Furnishings	23,769.81	
Commercial Laundry	11,244.80	
Cat Cages	53,528.78	
Dog Kennels	115,031.58	
Incinerator	83,690.00	
FF&E Subtotal	374,461.40	\$ (170,841.96)

Total Project (Design+Construction + Change Orders + FF&E)		
Total	\$ 3,617,164.96	\$ (400,530.96)

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1626 - HELD
Contact Person / Sponsor: Jamie Gilbert/Economic Development
Department: Economic Development
Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

Project Dumping is a well respected corporation that is seeking to invest and create new jobs in Lancaster County. The project is expected to invest \$20,000,000 and create 200 new jobs over five years. The project has looked at locations in Lancaster County, the Charlotte Region and throughout the United States. The Lancaster County Department of Economic Development (LCDED) and South Carolina Department of Commerce (SCDOC) have worked with Project Dumping to secure the project in Lancaster County. LCDED has assisted the project with site selection, incentives, transportation issues and other related items.

Three inducement resolutions were passed by County Council on August 27, 2018, November 26, 2018 and April 8, 2019 reflecting the county's commitment to provide property tax and infrastructure incentives for Project Dumping. The following are the recommended incentives for the project:

- A 30 Year Fee-In-Lieu-of-Taxes (FILOT) agreement that provides a property tax assessment rate of 6%, a locked in millage rate of 317.6 mills and a ten year investment period.
- A 15 Year Special Source Revenue Credit (SSRC) of 70% for the first six years that the property is placed in service during the investment period, 65% for years seven through eleven, and 60% for years twelve through fifteen.
- A ten-year extension of the term for an existing FILOT agreement between Lancaster County and the company.
- Securing of funds through one or more sources including but not limited to grants, utility tax credits, enhanced property tax credits and general appropriations to assist with the construction of all road improvements required for approval of Project Dumping.
- Reimbursement to the company for road improvement costs the company incurs, up to \$194,500.

Points to Consider:

- Project Dumping will result in a large number of new jobs and substantial investment coming to Lancaster County.
- The company is well respected and a leader in their industry.
- The road improvements will be beneficial to both businesses and residents in the area in which the project is located.
- The direct cost to the County of the road improvements is less than what was initially projected at the time the resolutions were approved.

Funding and Liability Factors:

The only direct funding/liability factors for Lancaster County are associated with the county road improvements. The following outlines the potential funding/liability factors for the County.

- The road improvement costs are estimated to be \$1,195,5000
- LCDED has secured \$350,000 in grant funding from Comporium, South Carolina Department of Commerce and Duke Energy for the road improvements.

- The County has applied to the U.S. Economic Development Administration (EDA) for a grant. If approved the grant could fund up to \$724,400 of the county road improvement costs.
- If the EDA grant is awarded, the balance of the road improvement costs will be approximately \$121,100 which would be paid by County.
- If the EDA grant is not awarded, the County will seek other grants to offset the costs. In the event no other grants are available, the County will provide the balance of the \$845,500 in county road improvement costs.

Council Options:

County Council can approve, deny or table for additional changes, the Project Dumping Incentive Ordinance and Agreement.

Recommendation:

LCDED recommends the County Council approve the Project Dumping Incentive Ordinance and Agreement.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2020-1679 - HELD

Contact Person / Sponsor: Jamie Gilbert/Economic Development

Department: Economic Development

Date Requested to be on Agenda: 10/12/2020

Issue for Consideration:

CrossRidge Center is a new 190 acre mixed used development in Indian Land that will include over 400,000 Class A office space. CrossRidge is seeking to construct a new 120,000 Class A spec office building designed for corporate headquarters operations. The \$26 million project will be an anchor project for the development of the business park.

Over the last several years, the Lancaster County Department of Economic Development has identified the lack of available industrial and office buildings for lease or purchase as a top issue that we must be address if we are to have continued success in the recruitment and expansion of businesses to Lancaster County. Economic Development believes that new commercial real estate projects are most successful and economical when done by the private sector, rather than the County.

In an effort to encourage spec building development, Economic Development recommends that Lancaster County assist developers through targeted incentives. The CrossRidge spec office building is an ambitious initiative that carries significant risk to the developer. Economic Development greatly appreciates CrossRidge's willingness to move forward with this project during a challenging business climate. As a result, Economic Development is recommending the following property tax incentives for the project:

- A 20 Year Fee-In-Lieu-of-Tax (FILOT) agreement for the spec office building that will have a 6% assessment and fixed millage rate of 325.4 mills.
- A 10 Year Special Source Revenue Credit (SSRC) applied against the annual FILOT payments. The credit amount would be as follows: 70% in Year 1, 63% in Years 2 and 3, and 50% in Years 4-10.

Points to Consider:

- Lancaster County has a shortage of Class A office space to accommodate large new and expanding corporate projects.
- In 2020, Lancaster County has seen more interest from prospective corporate facility projects than in 2019 or 2018.
- It appears there may be a shift of corporate facilities to the suburban office market, after several years of being primarily urban focused. The CrossRidge spec building better positions Lancaster County to capitalize on this emerging trend.
- Spec buildings are a high risk for developers since there is uncertainty as to when a tenant or tenants will occupy the space.
- Providing incentives for the spec building will assist tremendously in jump-starting the development of CrossRidge Center.

Funding and Liability Factors:

There are no funding or liability factors. The incentives provide a deferral of new property tax dollars that would not otherwise be there if the building was not constructed. After incentives, the spec building will generate more than \$2,600,000 in property taxes over its first ten years.

Council Options:

The Lancaster County Council can approve, table or decline the ordinance.

Recommendation:

Economic Development recommends the County Council approve the Ordinance.