

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

August 26, 2019

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

AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Charlene McGriff**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
 - a. Construction Contracting Method Reviews - Presented by Kelvin Alexander, Facilities Project Manager
6. **Citizens Comments**
[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]
7. **Consent Agenda**
[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]
 - a. Minutes from the August 12, 2019 County Council Regular Meeting
 - b. 3rd Reading of Ordinance 2019-1599 regarding Amending the UDO by Amending 12 Month Waiting Period Requirement
Ordinance Title: An Ordinance To Amend Ordinance 2016-1442, The Unified Development Ordinance ("UDO"), by the Deletion OF Existing Wording In Section 9.2.15(D) And The Addition Of Wording To Section 9.2.15(D). The Amendment Removes the 12 Month Waiting Period For Subsequent Text Amendment And Rezoning Applications After Denial If The Subsequent Applications Is A Rezoning Application for A Different Use Designation Or Is Initiated By County Council Or

Planning Commission. - ***Planning Department Case Number: UDO-TA-019-002. Planning Commission recommended denial by a vote of 4-3. At 1st Reading, Text Amendment Section 9.2.15(A)2 denied by a vote of 6-0 and Section 9.2.15(B) passed by a vote of 6-0 at the July 15, 2019 County Council Meeting. At 2nd Reading, revised Ordinance containing only Section 9.2.15(D) passed 7-0 at the August 12, 2019 County Council Meeting. - Rox Burhans***

- c. 2nd Reading of Ordinance 2019-1600 regarding Amending the UDO in Chapter 3, Mixed Use District, Section 5, Urban District Development Standards

Ordinance Title: An Ordinance To Amend Ordinance 2016-1442 (Unified Development Ordinance “UDO”) By Addition Of Wording To Chapter 3, Mixed Use District, Section 5, Urban District Development Standards To Allow A Twenty Percent Reduction In The Minimum Development Size Standard For Properties Currently Zoned With A Mixed Use Zoning Designation. - ***Planning Department Case Number: UDO-TA-019-003. Planning Commission recommended denial by a vote of 4-3. 1st Reading deferred until August 12, 2019 by a vote of 4-2 at the July 15, 2019 County Council Meeting (Steve Harper and Allen Blackmon opposed). Passed 7-0 at the August 12, 2019 County Council Meeting. - Rox Burhans***

- d. 2nd Reading of Ordinance 2019-1602 regarding Amending the Assessment Roll for Walnut Creek, Bond Area 3

Ordinance Title: An Ordinance To Authorize Certain Modifications To The Walnut Creek Improvement District Assessment Roll For Bond Area 3, Including Its Rate And Method Of Apportionment Of Assessment A; And To Provide For Other Matter Relating Thereto. - ***(Favorable Recommendation - Administration Committee). Passed 7-0 at the August 12, 2019 County Council Meeting. - John DuBose***

- e. 2nd Reading of Ordinance 2019-1603 regarding Authorization of a Special Source Revenue Credit Agreement with Project Grain

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And Project Grain Providing For, Among Other Things, Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 7-0 at the August 12, 2019 County Council Meeting. - Jamie Gilbert***

8. Non-Consent Agenda

- a. Resolution 1059-R2019 regarding Posting Signage Prohibiting Through Truck Traffic on Waxhaw Village Road

Resolution Title: A Resolution Directing The Lancaster County Public Services Division To Post Signage Prohibiting Through Truck Traffic On Waxhaw Village Road Between Charlotte Highway (U.S. 521) And Old Hickory Road (S-29-35). - ***Steve Willis***

- b. Resolution 1060-R2019 regarding Adoption of the Classification and Compensation Plan

Resolution Title: A Resolution To Adopt, As Modified, The Recommendations Of The MGT Consulting Group Regarding A Classification And Compensation Plan For Lancaster County. - ***Steve Willis***

- c. 1st Reading of Ordinance 2019-1601 regarding Amending the UDO regarding Chapter 6.11 and 6.12

Ordinance Title: An Ordinance To Amend Ordinance 2016-1442, The Unified Development Ordinance (“UDO”), Chapter 6.11, Street Names And House Numbers And Chapter 6.12, Uniform Addressing And Numbering. - ***Planning Department Case Number: UDO-TA-19-004. Planning Commission recommended approval by a vote of 7-0. - Rox Burhans***

- d. 1st Reading of Ordinance 2019-1604 regarding Establishing an Animal Shelter Advisory Board

Ordinance Title: An Ordinance To Establish An Animal Shelter Advisory Board And To Set Forth The Duties And Responsibilities Of Those Persons And Organizations Associated Therewith. - ***(Favorable Recommendation - Infrastructure And Regulation Committee). - Steve Willis***

9. Discussion and Action Items

a. Committee Reports

1. Infrastructure & Regulation (I & R) Committee - Committee Chair Larry Honeycutt
2. Public Safety Committee - Committee Chair Brian Carnes
3. Trail Advisory Committee - Committee Chair Brian Carnes
4. Administration Committee - Committee Chair Charlene McGriff

b. Public Comment Period and Approval for the 2019 US Department of Justice Grant for the Lancaster County Sheriff's Office - Steve Willis/Sheriff Barry Faile

c. Approval of the 2019 Parks and Recreation Development Fund Grant - Steve Willis/Hal Hiott

d. Approval of the Community Development Block Grant Application - Steve Willis

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

11. Miscellaneous Reports and Correspondence

- a. Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended 2018 Qualifies for the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting
- b. 2019 Local Emergency Management Performance Grant
- c. Charter Communications - Upcoming Changes
- d. Report on Potential Hangar Modifications

12. Citizens Comments

[If Council delays until end of meeting]

13. Executive Session

a. Two Items:

1. Discussion of a Contractual Matter. SC Code 30-4-70(a)(2).

2. Discussion of a Contractual Matter. 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: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Approve or amend the minutes from the August 12, 2019 County Council regular meeting.

Points to Consider:

The draft minutes from the August 12, 2019 County Council regular meeting are attached for Council's review and approval.

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 8-12-2019 County Council Regular Meeting

8/21/2019

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

August 12, 2019

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

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Council Members present at the regular meeting of County Council were Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present at the meeting were County Administrator Steve Willis, County Attorney John DuBose, Clerk to Council Sherrie Simpson, Planning Director Rox Burhans, Chief Financial Officer Veronica Thompson, Budget Analyst Kim Belk, Fire/Emergency Services Director Darren Player, Economic Development Director Jamie Gilbert, Sheriff Barry Faile, Human Resources Director Lisa Robinson, Public Safety Communications Director Stephen Blackwelder, various department heads and elected officials, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *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

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

Welcome and Recognition - Chairman Steve Harper

Steve Harper welcomed everyone to the Council meeting.

Pledge of Allegiance and Invocation - Larry Honeycutt

Larry Honeycutt led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. The motion was seconded by Brian Carnes. Council approved the agenda by unanimous vote of 7-0.

Special Presentations

Steve Harper presented Economic Development Director Jamie Gilbert, Public Safety Communications Director Stephen Blackwelder, Public Safety Communications Coordinator Sandra Burton and Public Safety Communications Quality Assurance staff member Colby Carter with metal Thumbs Up awards.

Steve Harper presented Ashley Davis, Planning Department, with the Employee of the Quarter, 2nd Quarter, award.

Steve Harper and Sheriff Barry Faile recognized Captain Larry Deason, Lancaster County Detention Center Supervisor, for being named the South Carolina Sheriff's Association's Detention Officer of the Year.

Steve Harper recognized Council Member Billy Mosteller, District 3, for graduating from the South Carolina Association of Counties' Institute of Government Level II classes.

Executive Session

One Item:

1. Legal briefing and advice on threatened and potential legal claims. SC Code 30-4-70(a)(2).

Charlene McGriff moved to go into Executive Session. The motion was seconded by Allen Blackmon. The motion to go into Executive Session passed by unanimous vote of 7-0. Pursuant to South Carolina Code 30-4-70(a)(2), Council went into Executive Session at approximately 6:10 p.m. to receive a legal briefing and legal advice on threatened and potential legal claims.

Brian Carnes moved to come out of Executive Session. The motion was seconded by Charlene McGriff. The motion to come out of Executive Session passed by unanimous vote of 7-0. Council came out of Executive Session at approximately 6:27 p.m.

Citizens Comments

Cardell Dye, Columbia, SC, spoke regarding a potential unauthorized closing of a portion of Hannah Simpson Road in southern Lancaster County. He provided a seven (7) page handout that is attached as Schedule A to the written minutes in the Clerk to Council's office.*

*Steve Harper allowed Steve Willis to respond to Mr. Dye's comments. Steve Willis explained that the Public Works Director Jeff Catoe and the County Attorney John DuBose are researching whether Hannah Simpson Road is private or County owned. He noted that the original records are in Kershaw County since the road was originally in Kershaw County and then was annexed into Lancaster County.

Reginald Dye, Pageland, SC, spoke regarding 2227 Hannah Simpson Road. He provided six (6) pages of pictures that are attached as Schedule B to the written minutes in the Clerk to Council's office.

Mike Brazzell, Commander of Lancaster County Chapter of the American Legion, Lancaster, SC, spoke regarding the 100 year celebration of the charter of the Lancaster County American Legion.

Alan Patterson, Lancaster, SC, spoke regarding Ordinance 2019-1600.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **8a.** and Item **8b.** in the agenda packet, which is the same as Item **a.** and Item **b.** listed below. The motion was seconded by Brian Carnes. There was no discussion regarding the items on the Consent Agenda. Council approved Consent Agenda Items **a.** and **b.** below by

unanimous vote of 7-0.

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- a. **Minutes from the July 15, 2019 County Council Regular Meeting**
- b. **3rd Reading of Ordinance 2019-1597 regarding Amending Section 23-24 of the Lancaster County Code related to Noise**

Ordinance Title: An Ordinance To Amend Section 23-24 Of The Lancaster County Code Related To Evidence, Enforcement, And Penalties For Noise Complaints And To Provide For Matters Related Thereto.

Non-Consent Agenda

3rd Reading of Ordinance 2019-1596 regarding Rezoning 5 Properties from Applicant Marvin & 521 Holdings, LLC from GB to MX

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Five (5) Properties Totaling ± 25.55 Acres Located Near The Intersection Of Highway 521 And Marvin Road, Indian Land, South Carolina 29707 (TMS# 0008G-0D-004.00, 0008-00-056.00, 0008-00-057.00, 0008-00-084.00, and 0008G-0D-003.00) From GB, General Business District To MX, Mixed Use District.

John DuBose explained that the applicant has requested that the 3rd Reading of Ordinance 2019-1596 be deferred. Terry Graham moved to defer the 3rd Reading of Ordinance 2019-1596 until the August 26, 2019 Council meeting. The motion was seconded by Larry Honeycutt. The motion to defer the 3rd Reading of Ordinance 2019-1596 until the August 26, 2019 Council meeting passed by unanimous vote of 7-0.

3rd Reading of Ordinance 2019-1598 regarding Granting Right of Way to Lancaster County Water and Sewer District

Ordinance Title: An Ordinance To Approve A Right Of Way Agreement Between Lancaster County And The Lancaster County Water And Sewer District, Providing An Easement To The Lancaster County Water And Sewer District To Be Located Within The Walnut Creek Recreational Complex; And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2019-1598. The motion was seconded by Charlene McGriff.

Steve Willis and John DuBose explained that there was a technical change made on the easement map and that there was a change on the Agreement referencing the new date on the new plat. Terry Graham moved to amend the Ordinance to include the Amended Agreement and Amended Easement Map. The motion was seconded by Brian Carnes. The motion to amend Ordinance 2019-1598 to include the Amended Agreement and Amended Easement Map passed by unanimous vote of 7-0.

Council approved the 3rd Reading of Ordinance 2019-1598 as amended by unanimous vote of 7-0.

Public Hearing and 2nd Reading of Ordinance 2019-1599 regarding Amending the UDO by Amending 12 Month Waiting Period Requirement

Ordinance Title: An Ordinance To Amend Ordinance 2016-1442, The Unified Development Ordinance ("UDO"), by the Deletion Of Existing Wording In Section 9.2.15(D) And The Addition Of Wording To Section 9.2.15(D). The Amendment Removes the 12 Month Waiting Period For Subsequent Text Amendment And Rezoning Applications After Denial If The Subsequent Applications Is A Rezoning Application for A Different Use Designation Or Is Initiated By County Council Or Planning Commission.

Rox Burhans reviewed Ordinance 2019-1599 and its revisions from 1st Reading with Council. Council had no questions regarding the Ordinance.

Steve Harper opened the floor for the Public Hearing for the 2nd Reading of Ordinance 2019-1599 at approximately 6:49 p.m. There were approximately twenty-six (26) citizens in attendance during the Public Hearing. No citizens signed up to speak for the Public Hearing for Ordinance 2019-1599. Steve Harper closed the Public Hearing for Ordinance 2019-1599 at approximately 6:49 p.m.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2019-1599. The motion was seconded by Larry Honeycutt. There was no discussion regarding the Ordinance. Council approved the 2nd Reading of Ordinance 2019-1599 by unanimous vote of 7-0.

Public Hearing and 1st Reading of Ordinance 2019-1600 regarding Amending the UDO in Chapter 3, Mixed Use District, Section 5, Urban District Development Standards

Ordinance Title: An Ordinance To Amend Ordinance 2016-1442 (Unified Development Ordinance "UDO") By Addition Of Wording To Chapter 3, Mixed Use District, Section 5, Urban District Development Standards To Allow A Twenty Percent Reduction In The Minimum Development Size Standard For Properties Currently Zoned With A Mixed Use Zoning Designation.

Rox Burhans reviewed Ordinance 2019-1600 with Council. Council had no questions regarding the Ordinance.

Steve Harper opened the floor for the Public Hearing for the 1st Reading of Ordinance 2019-1600 at approximately 6:50 p.m. There were approximately twenty-six (26) citizens in attendance during the Public Hearing. No citizens signed up to speak for the Public Hearing for Ordinance 2019-1600. Steve Harper closed the Public Hearing for Ordinance 2019-1600 at approximately 6:51 p.m.

Billy Mosteller moved to approve the 1st Reading of Ordinance 2019-1600. The motion was seconded by Charlene McGriff. There was no discussion regarding the Ordinance. Council approved the 1st Reading of Ordinance 2019-1600 by unanimous vote of 7-0.

1st Reading of Ordinance 2019-1602 regarding Amending the Assessment Roll for Walnut Creek, Bond Area 3

Ordinance Title: An Ordinance To Authorize Certain Modifications To The Walnut Creek Improvement District Assessment Roll For Bond Area 3, Including Its Rate And Method Of Apportionment Of Assessment A; And To Provide For Other Matter Relating Thereto.

Terry Graham moved to approve the 1st Reading of Ordinance 2019-1602. The motion was seconded by Brian Carnes. John DuBose reviewed the Ordinance with Council. Council approved the 1st Reading of Ordinance 2019-1602 by unanimous vote of 7-0.

1st Reading of Ordinance 2019-1603 regarding Authorization of a Special Source Revenue Credit Agreement with Project Grain

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And Project Grain Providing For, Among Other Things, 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 2019-1603. The motion was seconded by Brian Carnes. Jamie Gilbert reviewed the Ordinance with Council. There was no discussion from Council regarding the Ordinance. Council approved the 1st Reading of Ordinance 2019-1603 by unanimous vote of 7-0.

Discussion and Action Items

Pending Projects Update - Steve Willis

New Construction Project Status Update

- Animal Shelter
- Fleet Maintenance Garage
- EMS Substation 4/9 - Old Bailes Road
- EMS HQ

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Renovation Project Overview

- Public Library System
- Barnett Medical Building
- Human Services Complex

Steve Willis noted that he had not had any requests from Council for additional information on the County's pending projects, but that if Council has any questions, they can email him and he will get a response for them.

Council asked Library Board Chair, Dr. Cureton, for an update on the library. She noted that the bid opening for the library was held on August 8, 2019. Steve Willis explained that the bids are being reviewed and that there were three (3) bidders on the main library projects.

Approval of Revised Organizational Chart - Steve Willis

Charlene McGriff moved to approve the revised organizational chart, which can be found in the agenda packet and is attached as Schedule C to the written minutes in Clerk to Council's office. The motion was seconded by Allen Blackmon. Council approved the revised organizational chart by unanimous vote of 7-0.

Discussion regarding possible Establishment of New Sub-Committee or Use of Existing Committee for Development Agreement Review - Steve Harper

Steve Harper explained that the County has used the Infrastructure and Regulation (I & R) Committee to review new Development Agreements in the past and so the County would not be establishing a new sub-committee to review these Agreements but would rather use the existing I & R Committee for that purpose. Council was in agreement with the decision to use the I & R Committee to review Development Agreements.

Appointment to the Health and Wellness Commission as the School Health Representative

- Laura M. Loughry for a 4 year term that will expire on 06/30/2023 (1st Term)

Larry Honeycutt moved to approve *(as listed in the agenda packet)* **Discussion and Action Items 10d. (Appointment of Laura M. Loughry to the Health and Wellness Commission as the School Health Representative), Item 10e. (Appointments of Brian Endres and Rick Vander Kaay to the Pleasant Valley Fire Fee Board), Item 10f. (Appointments of Erick Crawford to the Library Board for District 2 and Kenneth S. Harrison to the Airport Commission to fill an unexpired term for District 2), and Item 10g. (Appointment of Donald T. Faile to the Airport Commission for District 6).** The motion was seconded by Charlene McGriff. Council approved the appointments of Laura M. Loughry to the Health and Wellness Commission, Brian Endres to the Pleasant Valley Fire Fee Board, Rick Vander Kaay to the Pleasant Valley Fire Fee Board, Erick Crawford to the Library Board, Kenneth S. Harrison to the Airport Commission and Donald Faile to the Airport Commission by unanimous vote of 7-0, which meets the super majority vote requirement from Council for some of the appointments.

Appointments to the Pleasant Valley Fire Fee Board

- Brian Endres for a 4 year term expiring on 06/30/2023 (3rd Term - requires a super majority vote of Council)

- Rick Vander Kaay for a 4 year term expiring on 06/30/2023 (2nd Term)

The appointments were approved during **Discussion and Action Item 10d.**, as listed in the agenda packet. Please see motion and approval under **Discussion and Action Items, Appointment to the Health and Wellness Commission as the School Health Representative** listed above.

Appointment to the Library Board and Airport Commission for District 2

- Erick Crawford to the Library Board for a 4 year term that will expire on 06/30/2023 (4th Term - requires a super majority vote from Council)
- Kenneth S. Harrison to the Airport Commission to fill an unexpired term ending on 06/30/2023

The appointments were approved during **Discussion and Action Item 10d.**, as listed in the agenda packet. Please see motion and approval under **Discussion and Action Items, Appointment to the Health and Wellness Commission as the School Health Representative** listed above.

Appointment to the Airport Commission for District 6

- Donald T. Faile to the Airport Commission for a 4 year term that will expire on 06/30/2023 (4th Term - Requires a Super Majority vote from Council)

The appointment was approved during **Discussion and Action Item 10d.**, as listed in the agenda packet. Please see motion and approval under **Discussion and Action Items, Appointment to the Health and Wellness Commission as the School Health Representative** listed above.

Status of items tabled, recommitted, deferred or held

There were no items that were tabled, recommitted, deferred or held.

Miscellaneous Reports and Correspondence

- a. Charter Communications - Upcoming Changes

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

Citizens Comments

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

Executive Session

Two Items:

1. *Economic Development Discussion: Project Flow. SC Code 30-4-70(a)(5).*
2. *Discussion of compensation of personnel. SC Code 30-4-70(a)(1).*

Allen Blackmon moved to go into Executive Session. The motion was seconded by Charlene McGriff. The motion to go into Executive Session passed by unanimous vote of 7-0. Council went into Executive Session at approximately 7:06 p.m. to discuss Economic Development Project Flow, pursuant to South Carolina Code 30-4-70(a)(5), and to discuss the compensation of personnel, pursuant to South Carolina Code 30-4-70(a)(1).

Charlene McGriff moved to come out of Executive Session. The motion was seconded by Allen Blackmon. The motion to come out of Executive Session passed by unanimous vote of 7-0. Council came out of Executive Session at approximately 8:56 p.m.

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Upon returning to open session, John DuBose noted, for the record, that Council discussed Economic Development Project Flow and the compensation of personnel during Executive Session and that, during that session, no votes were taken and no formal decisions were made.

Brian Carnes moved to authorize Lancaster County Water and Sewer District to proceed with a grant application in connection with a sewer infrastructure project that the District has asked the County to partner in for funding. The specifics of the partnership and the funding mechanism and proposal will be developed by the County Attorney and the Economic Development Director and presented to Council for consideration and vote. The motion was seconded by Billy Mosteller. The motion passed by unanimous vote of 7-0.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. The motion was seconded by Terry Graham. The motion to adjourn passed by unanimous vote of 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:57 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance # 2019-1599

Contact Person / Sponsor: Rox Burhans/Planning

Department: Planning

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

This is a request to amend UDO Chapter 9, Administration, 9.2.15(D) regarding text amendments and rezoning requests. This proposes an amendment to the waiting period for denied text amendment and rezoning request.

Points to Consider:

Clarification of 12-Month Waiting Period

Amending the waiting period after a denial can provide flexibility for the Planning Commission and County Council when proposing text amendments and rezoning requests. It will also not penalize property owners by restricting rezoning options should the Planning Commission or County Council wish to propose an amendment for all or a portion of a property that was denied a rezoning request. An applicant could apply for rezoning to a different use designation having received feedback from County Council on denial of a rezoning request.

This language was included in the 2012 UDO (see Exhibit 3) and may have been excluded from the current UDO due to oversight.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny this proposed text amendment.

Recommendation:

Planning staff recommends **approval** of the text amendment.

Planning Commission recommended **denial** on June 18, 2019 by a vote of 4-3. At the referenced meeting, one citizen provided comments on this amendment asking for consideration to be given to eliminate the Planning Commission public hearing in-lieu of the County Council hearing.

At the July 15, 2019 County Council meeting, Council voted unanimously to remove the portion of the proposal to eliminate a public hearing before County Council. Therefore, that was eliminated from the text amendment request.

At first reading there was unanimous approval for amendment of the 12-month waiting period for denied applications. That portion of the proposed text amendment is now before County Council for second reading.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1599	8/7/2019	Ordinance
Updated Memo	7/29/2019	Executive Summary
Staff Report	6/21/2019	Planning Staff Report
Exhibit 1: Proposed Text Change	7/29/2019	Exhibit

Exhibit 2: Application	6/21/2019	Exhibit
Exhibit 3: 2012 UDO	6/21/2019	Exhibit
PRIOR Ordinance Before Division of Issues and Amendment to Conform with vote on 1st reading	8/2/2019	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019- 1599

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”), BY THE DELETION OF EXISTING WORDING IN SECTION 9.2.15(D) AND THE ADDITION OF WORDING TO SECTION 9.2.15(D). THE AMENDMENT REMOVES THE 12 MONTH WAITING PERIOD FOR SUBSEQUENT TEXT AMENDMENT AND REZONING APPLICATIONS AFTER DENIAL IF THE SUBSEQUENT APPLICATIONS IS A REZONING APPLICATION FOR A DIFFERENT USE DESIGNATION OR IS INITIATED BY COUNTY COUNCIL OR PLANNING COMMISSION.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Unified Development Ordinance (“UDO”) Section 9.2.15 requires a twelve (12) month waiting period before application may be made on the same UDO text amendment request or rezoning request.
- (b) The twelve (12) month waiting period denies flexibility for the Planning Commission or County Council when proposing text amendments or rezoning requests on their own initiative.
- (c) The twelve (12) month waiting period restricts options should Planning Commission or County Council wish to propose an alternate UDO text amendment or rezoning for a previously denied application for UDO text amendment or rezoning.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 9, Administration, Section 2, Review Procedures, Subsection 15, Text Amendments and Rezoning, Part (D), Waiting Period for Subsequent Application is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

SECTION 9.2.15 TEXT AMENDMENTS AND REZONINGS

D. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

When an application for an amendment has been ~~approved or~~ denied by the County Council, no application shall be considered on the same ~~issue~~ zoning amendment request affecting the same property or part thereof within the next 12 months after ~~approval or~~ denial. This 12 month period does not apply to action initiated by either the County Council or Planning Commission.

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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 15, 2019
Second Reading: August 12, 2019
Public Hearing: August 12, 2019
Third Reading: August 26, 2019



Case No. UDO-019-002
Meeting Date: August 12, 2019

To: County Council

From: Rox Burhans, Planning Director

Date: July 29, 2019

Subject: Clarify 12 month waiting period after denial of rezoning and UDO text amendment

This project has been updated to reflect action taken by County Council at the July 15, 2019 meeting. The Council unanimously voted to remove the proposal to eliminate the requirement to hold a public hearing before County Council in order to hold a public hearing before both Planning Commission and County Council.

Council did vote to move the request to clarify the 12 month waiting period for rezoning and text amendment requests forward to the August agenda.

Proposal:

Part 1 – Amend Chapter 9 to eliminate public hearing requirement at County Council.
Part 2 – Clarify 12 month waiting period after denial of text amendment or rezoning request.

Applicable Chapter(s): Chapter 9, Administration

Applicant: Lancaster County

Project Summary & Proposal

Chapter 9 of the UDO establishes review procedures for permits and projects in Lancaster County which must be reviewed and approved by staff, Planning Commission, Board of Zoning Appeals and County Council. This includes notification types, waiting periods after denials and vested rights.

This text amendment proposes two things (See Exhibit 2):

- 1: Elimination of the requirement to hold a public hearing during County Council meetings for UDO text amendment and rezoning requests only. Currently, the UDO requires both the Planning Commission and County Council to hold a public hearing during each meeting.
- 2: Adding the provision that a text amendment or rezoning request denied by County Council could be initiated by County Council or the Planning Commission, affecting the entire property(ies) or a portion of it.

Outline of Text Amendment

The following chapter of the UDO has been amended or created:

- *Chapter 9, Administration:* The requirement to hold a public hearing at County Council will be eliminated. Clarification has also been added to 12 month wait period after denial.

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 Exhibit 1.

Findings and Conclusions

Part 1: Public Hearing Before County Council

Elimination of the requirement to hold a public hearing before County Council will not reduce public notification of text amendments or rezonings for the community. Notice of requests will continue to be posted on the website, emailed/mailed and published in the newspaper, therefore maintaining the same opportunity for the community to stay apprised of current projects. Elimination of the duplicative public hearing requirements will help further expedite the County Council review process. Opportunities for public comments associated with rezonings and text amendments will continue to be made available during the Citizen Comments portion of the County Council meeting agenda.

Part 2: Clarification of 12 Month Waiting Period

Amending the waiting period after a denial can provide flexibility for the Planning Commission and County Council when proposing text amendments and rezoning requests. It will also not penalize property owners by restricting rezoning options should the Planning Commission or County Council wish to propose an amendment for all or a portion of a property that was denied a rezoning request.

This language was included in the 2012 UDO (see Exhibit 3) and was likely mistakenly excluded from the current UDO.

Planning Staff Recommendation

Staff recommends **approval** of the request.

Exhibits

1. Proposed Text Amendment
2. Application
3. UDO Text Related to Waiting Periods Previously In Effect in 2012

Staff Contact

Katie See, Senior Planner

ksee@lanastercountysc.net

9.2.15 TEXT AMENDMENTS AND REZONINGS

A. CONSIDERATION BY COUNTY COUNCIL

1. **Public Notification (Prior to Planning Commission):** Level 1 and 2 are required for all amendments to the UDO. Level 3 is required for all amendments to the UDO that involve a specific parcel of land. Such actions include, but are not limited to, map amendments (rezonings), amendments to zoning district boundaries, and the application of new overlay zones.
2. **Consideration by the County Council:** Following receipt of a recommendation or appeal of a proposed amendment, the County Council ~~shall conduct a public hearing on the matter. Upon reviewing all of the pertinent information, the County Council may:~~
 - a. Adopt the proposed amendment.
 - b. Adopt the proposed amendment with modifications.
 - c. Reject the proposed amendment.
 - d. Refer the proposed amendment back to the Planning Commission for further consideration.
 - e. Refuse to take any further action.

B. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

When an application for an amendment has been ~~approved or~~ denied by the County Council, no application shall be considered on the same ~~issue~~ zoning amendment request affecting the same property or part thereof within the next 12 months after ~~approval or~~ denial. This 12 month period does not apply to action initiated by either the County Council or Planning Commission.

9.2.15 TEXT AMENDMENTS AND REZONINGS

D. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

When an application for an amendment has been ~~approved or~~ denied by the County Council, no application shall be considered on the same ~~issue~~ zoning amendment request affecting the same property or part thereof within the next 12 months after ~~approval or~~ denial. This 12 month period does not apply to action initiated by either the County Council or Planning Commission.



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 9.2.15.C.2., and 9.2.15.D. (page 9-42 of the UDO)

Current Text see attached

Proposed Text see attached

Description of Need for Proposed Text The proposed text outlines a process for public hearings at the Planning Commission, which has been the established process for map and text amendments.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Alison Alexander, Deputy County Administrator

Address 101 N. Main St

City Lancaster State SC Zip 29720 Phone 803-416-9514

Fax _____ Email aalexander@lanastercountysc.net

APPLICATION CERTIFICATIONS

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


Applicant

4-25-2019
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 UDO-TA-019-002 Date Received 4-25-19 Receipt Number —

Amount Paid n/a Check Number — Cash Amount —

Received By JB Planning Commission Meeting Date 6-18-19

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.

C. CONSIDERATION BY COUNTY COUNCIL

1. Public Notification (Prior to Planning Commission): Level 1 and 2 are required for all amendments to the UDO. Level 3 is required for all amendments to the UDO that involve a specific parcel of land. Such actions include, but are not limited to, map amendments (rezonings), amendments to zoning district boundaries, and the application of new overlay zones.

2. Consideration by the County Council: Following receipt of a recommendation from Planning Commission concerning a proposed amendment, the County Council shall conduct a public hearing on the matter. Upon reviewing all of the pertinent information, the County Council may:

- a. Adopt the proposed amendment.
- b. Adopt the proposed amendment with modifications.
- c. Reject the proposed amendment.
- d. Refer the proposed amendment back to the Planning Commission for further consideration.
- e. Refuse to take any further action.

D. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

When an application for an amendment has been approved or denied by the County Council, no application shall be considered on the same issue zoning amendment request affecting the same property or part thereof within the next 12 months after approval or denial. This 12-month period does not apply to action initiated by either the County Council or Planning Commission.

Section 18.2 - Initiation of amendment.

Section 18.2.1 - Text amendments.

Amendments to the text of the ordinance may be initiated by the county council, the planning commission, or any citizen. However, if an amendment is denied, then an application for the same amendment shall not be submitted for a period of 12 months from the date the original request was heard and denied by the county council. This 12 month period does not apply to actions initiated by either the county council or the planning commission.

(Ord. No. 363, 1-31-00; Ord. No. 748, 5-1-06)

Section 18.2.2 - District boundary map amendments.

Amendments to the District Boundary Map may be initiated by the county council, the planning commission, the property owner, his agent (with written consent of the property owner), lessees of the property or their agent (with written consent of the property owner), or persons who have contracted to purchase the property contingent upon their ability to acquire the necessary permits under this ordinance of the agent of such person (who shall make application in the name of such owners, lessees or contract vendees and with the written consent of the property owner). However, no such amendment shall be initiated for the same change of zoning request affecting the same property or any part thereof within 12 months of a hearing and decision on such zoning change by the county council, as provided in section 18.7. This 12-month period does not apply to actions initiated by either the county council or the planning commission.

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019- 1599

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”), BY THE DELETION OF EXISTING WORDING IN SECTION 9.2.15(C)2 AND SECTION 9.2.15(D) AND THE ADDITION OF WORDING TO SECTION 9.2.15(D). THE AMENDMENT REMOVES THE REQUIREMENT THAT COUNTY COUNCIL CONDUCT A PUBLIC HEARING ADDITIONAL TO THE PUBLIC HEARING ALREADY REQUIRED BEFORE PLANNING COMMISSION FOR TEXT AMENDMENTS AND REZONINGS. THE AMENDMENT ALSO REMOVES THE 12 MONTH WAITING PERIOD FOR SUBSEQUENT TEXT AMENDMENT AND REZONING APPLICATIONS AFTER DENIAL IF THE SUBSEQUENT APPLICATIONS IS INITIATED BY COUNTY COUNCIL OR PLANNING COMMISSION.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Unified Development Ordinance (“UDO”) Section 9.2.15 requires public hearings before both Planning Commission and County Council for UDO text amendment applications and rezoning applications.
- (b) State law provides that when a public hearing is held before the Planning Commission, no public hearing by County Council is required before amending a zoning ordinance text or maps.
- (c) Elimination of a duplicative public hearing will expedite the County Council review process.
- (d) Public notice of UDO text amendments and zoning map amendments will not be altered and opportunity for public comment will continue to be available during Citizens Comments portion of the County Council meeting agenda.
- (e) Unified Development Ordinance (“UDO”) Section 9.2.15 requires a twelve (12) month waiting period before application may be made on the same UDO text amendment request or rezoning request.
- (f) The twelve (12) month waiting period denies flexibility for the Planning Commission or County Council when proposing text amendments or rezoning requests on their own initiative.

- (g) The twelve (12) month waiting period restricts options should Planning Commission or County Council wish to propose an alternate UDO text amendment or rezoning for a previously denied application for UDO text amendment or rezoning.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 9, Administration, Section 2, Review Procedures, Subsection 15, Text Amendments and Rezoning, Part (C) 2, Consideration by County Council is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

SECTION 9.2.15 TEXT AMENDMENTS AND REZONINGS

C. CONSIDERATION BY COUNTY COUNCIL

1. **Public Notification (Prior to Planning Commission):** Level 1 and 2 are required for all amendments to the UDO. Level 3 is required for all amendments to the UDO that involve a specific parcel of land. Such actions include, but are not limited to, map amendments (rezonings), amendments to zoning district boundaries, and the application of new overlay zones.
2. **Consideration by the County Council:** Following receipt of a recommendation or appeal of a proposed amendment, the County Council ~~shall conduct a public hearing on the matter. Upon reviewing all of the pertinent information, the County Council may:~~
 - a. Adopt the proposed amendment.
 - b. Adopt the proposed amendment with modifications.
 - c. Reject the proposed amendment.
 - d. Refer the proposed amendment back to the Planning Commission for further consideration.
 - e. Refuse to take any further action.

D. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

~~When an application for an amendment has been approved or denied by the County Council, no application shall be considered on the same issue zoning amendment request affecting the same property or part thereof within the next 12 months after approval or denial. This 12 month period does not apply to action initiated by either the County Council or Planning Commission.~~

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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: July 15, 2019
Second Reading: August 12, 2019
Third Reading: August 26, 2019

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1600/Planning Department File: UDO-TA-019-003

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

This is a request to amend UDO Chapter 3, Mixed-Use Districts, regarding a reduction in the minimum development size standard. The amendment proposes the allowance of a reduction of 20% from the 25 acre minimum development size standard for properties previously designated as a M-U district.

Points to Consider:

The current requirement that property be at least 25 acres in size when zoned mixed-use limits the use of properties less than 25 acres in size but zoned mixed-use. The ability to request a 20% reduction in the minimum mixed-use development size standards as a matter of right would give those who own property less than 25 acres in size the chance to develop the land in accordance with the UDO. It is important to recognize that most properties zoned mixed-use were established prior to adoption of the minimum 25-acre threshold.

Planning staff believes this request will provide flexibility to existing properties zoned mixed-use and will not have a detrimental effect on achieving the intent of the mixed-use district zoning classifications. This reduction will not apply to newly zoned mixed-use properties or properties that have a previously approved mixed-use master plan.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny text amendment.

Recommendation:

Planning staff recommends **approval** of this text amendment.

Planning Commission recommended **denial** on June 18, 2019 by a vote of 4-3. At the referenced meeting, no citizens signed up to speak on this amendment.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1600	8/1/2019	Ordinance
Staff Report	6/21/2019	Planning Staff Report
Exhibit 1: Proposed Text Change	6/25/2019	Exhibit
Exhibit 2: Application	6/21/2019	Exhibit
Exhibit 3: MU District Map	6/21/2019	Exhibit

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2019-1600

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND ORDINANCE 2016-1442 (UNIFIED DEVELOPMENT ORDINANCE “UDO”) BY ADDITION OF WORDING TO CHAPTER 3, MIXED USE DISTRICT, SECTION 5, URBAN DISTRICT DEVELOPMENT STANDARDS TO ALLOW A TWENTY PERCENT REDUCTION IN THE MINIMUM DEVELOPMENT SIZE STANDARD FOR PROPERTIES CURRENTLY ZONED WITH A MIXED USE ZONING DESIGNATION.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Unified Development Ordinance (“UDO”) Section 3.5 requires a minimum development size of twenty-five (25) acres for a mixed use development.
- (b) During preparation and adoption of the Future Land Use Map, the Comprehensive Plan, and the UDO, several properties were identified that were desirable for mixed use zoning designations and those properties were rezoned to mixed use zoning designations.
- (c) Allowance of a twenty (20%) percent reduction in minimum development size will provide flexibility to existing properties zoned mixed-use by allowing for development as intended in the Comprehensive Plan and Future Land Use Map and will not have a detrimental effect on achieving the intent of the mixed-use district zoning classifications.
- (d) The reduction will not apply to newly zoned mixed-use properties or properties that have a previously approved mixed-use master plan.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 3, Mixed Use District, Section 5, Urban District Development Standards is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

3.5 URBAN DISTRICT DEVELOPMENT STANDARDS

Base Districts	Urban Residential UR	High Density Residential HDR	Residential Mixed-Use RMX	Mixed-Use MX	Industrial Mixed-use IMX
1. BUILDING TYPE	Section 3.4	Section 3.4	Section 3.4	Section 3.4	Section 3.4
2. PERMITTED BUILDING ELEMENTS	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
3. DEVELOPMENT STANDARDS					
A. Max. Density (Units/Acre)	4 dua	8 dua	Attached - 12 dua * Detached – 9 dua	15 dua * and **	12 dua
B. Minimum Development Size	25 acres***	25 acres***	25 acres***	25 acres***	25 acres***
4. BUILDING PLACEMENT	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
5. ACCESSORY STRUCTURE	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
6. PARKING CONFIGURATION	By building type – See Chapter 7	By building type - See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7
7. HEIGHT					
A. Min. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
B. Max. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6

*A density bonus of up to 15% may be considered by the Planning Commission and County Council when the development provides 10% of the total housing units for affordability and housing diversity. This may be achieved through smaller square footage units being incorporated into the Master Development Plan for families with moderate incomes of at least 50% but less than 80% of median incomes for the Charlotte –Gastonia-Salisbury Combined Statistical Area.

**Additional density may be considered during the Mixed-Use District / Master Development Plan process by the Planning Commission and County Council.

*** For existing properties zoned with a mixed-use designation prior to the adoption of the minimum mixed-use development size standards and without a previously approved mixed-use master plan, a 20% reduction in the minimum mixed-use development size may be requested as a matter of right.

For the purposes of this ordinance, the standards and provisions for mixed-use districts including UR, HDR, RMX, MX, and IMX require the development and approval of a Mixed-Use District / Master Development Plan in accordance with Chapter 9. Such plans must be approved prior to the issuance of any other land development permits except for a preliminary or final plats necessary to subdivide the development to provide access to the tract.

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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 12, 2019
Second Reading: August 26, 2019
Public Hearing: August 12, 2019
Third Reading: September 9, 2019

Proposal: To reduce Mixed-Use District minimum development standard size (25-acres) by 20% for properties currently zoned mixed-use

Applicable Chapter(s): Chapter 3.5 Urban District Development Standards

Applicant: Lancaster County

Project Summary & Proposal

Chapter 3 of the UDO requires a minimum development size of 25 acres for parcels located in one of the mixed-use districts. This minimum requirement is preventing some properties currently zoned as a Mixed-Use District (Urban Residential, High Density Residential, Residential Mixed-Use, Mixed-Use and Industrial Mixed-Use) from developing in a manner consistent with the policy rational behind the mixed-use zoning districts. Currently, some parcels fall far short of the 25-acre minimum and this would enable more property owners to develop their parcels without the need to request a rezoning.

This text amendment proposes adding a 20% reduction in the minimum development standard size that may be requested as a matter of right in Mixed-Use Urban Districts (See Exhibit 2, Application).

Outline of Text Amendment

The following chapters of the UDO have been amended or created:

- *Chapter 3, Urban District Development Standards:* A third footnote will be added below the Urban District Development Standards table to indicate that a 20% reduction may be requested as a matter of right.

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 **Exhibit 1**.

Findings and Conclusions

The current requirement that property be at least 25 acres in size when zoned mixed-use limits the use of properties less than 25 acres in size but zoned mixed-use. The ability to request a 20% reduction in the minimum mixed-use development size standards as a matter of right would give those who own property less than 25 acres in size the chance to develop the land in accordance

with the UDO. It is important to recognize that most properties zoned mixed-use were established prior to adoption of the minimum 25-acre threshold.

Planning staff believes this request will provide flexibility to existing properties zoned mixed-use and will not have a detrimental effect on achieving the intent of the mixed-use district zoning classifications. This reduction will not apply to newly zoned mixed-use properties or properties that have a previously approved mixed-use master plan.

Planning Staff Recommendation

Staff recommends **approval** of the request.

Exhibits

1. Proposed Text Amendment
2. Application
3. MXU Zoning District Map

Staff Contact

Katie See, Senior Planner

ksee@lancastercountysc.net

3.5 URBAN DISTRICT DEVELOPMENT STANDARDS

Base Districts	Urban Residential UR	High Density Residential HDR	Residential Mixed-Use RMX	Mixed-Use MX	Industrial Mixed-use IMX
1. BUILDING TYPE	Section 3.4	Section 3.4	Section 3.4	Section 3.4	Section 3.4
2. PERMITTED BUILDING ELEMENTS	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
3. DEVELOPMENT STANDARDS					
A. Max. Density (Units/Acre)	4 dua	8 dua	Attached - 12 dua ¹ Detached – 9 dua	15 dua ^{1,2}	12 dua
B. Minimum Development Size	25 acres ³	25 acres ³	25 acres ³	25 acres ³	25 acres ³
4. BUILDING PLACEMENT	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
5. ACCESSORY STRUCTURE	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
6. PARKING CONFIGURATION	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7
7. HEIGHT					
A. Min. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
B. Max. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6

1. A density bonus of up to 15% may be considered by the Planning Commission and County Council when the development provides 10% of the total housing units for affordability and housing diversity. This may be achieved through smaller square footage units being incorporated into the Master Development Plan for families with moderate incomes of at least 50% but less than 80% of median incomes for the Charlotte –Gastonia-Salisbury Combined Statistical Area.
2. Additional density may be considered during the Mixed-Use District / Master Development Plan process by the Planning Commission and County Council.
3. For existing properties zoned with a mixed-use designation prior to the adoption of the minimum mixed-use development size standards and without a previously approved mixed-use master plan, a 20% reduction in the minimum mixed-use development size may be requested as a matter of right.
4. Development Agreements shall be required for all mixed-use zoning district rezoning applications, as consistent with Section 9.2.18 of this UDO.
5. For the purposes of this ordinance, the standards and provisions for mixed-use districts including UR, HDR, RMX, MX, and IMX require the development and approval of a Mixed-Use District / Master Development Plan in accordance with Chapter 9. Such plans must be approved prior to the issuance of any other land development permits except for a preliminary or final plats necessary to subdivide the development to provide access to the tract.



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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 3.5 Urban District Development Standards

Current Text See attached Exhibit "1"

Proposed Text For existing properties zoned with a mixed use designation prior to the adoption of the minimum mixed use development size standards, a 20% reduction in the minimum mixed use development size may be requested as a matter of right. See attached Exhibit "2"

Description of Need for Proposed Text The Minimum Mixed Use Development size is preventing properties zoned as mixed use from developing in a manner consistent with the policy rationale behind the mixed use zoning districts.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Rox Burhans, Lancaster County Planning Director

Address _____

City _____ State _____ Zip _____ Phone _____

Fax _____ Email _____

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.

Rox Burhan
Applicant

5-20-19
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 6-18-19

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.

3.5 URBAN DISTRICT DEVELOPMENT STANDARDS

Base Districts	Urban Residential UR	High Density Residential HDR	Residential Mixed-Use RMX	Mixed-Use MX	Industrial Mixed-use IMX
1. BUILDING TYPE	Section 3.4	Section 3.4	Section 3.4	Section 3.4	Section 3.4
2. PERMITTED BUILDING ELEMENTS	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
3. DEVELOPMENT STANDARDS					
A. Max. Density (Units/Acre)	4 dua	8 dua	Attached - 12 dua * Detached – 9 dua	15 dua * and **	12 dua
B. Minimum Development Size	25 acres	25 acres	25 acres	25 acres	25 acres
4. BUILDING PLACEMENT	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
5. ACCESSORY STRUCTURE	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
6. PARKING CONFIGURATION	By building type – See Chapter 7	By building type - See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7
7. HEIGHT					
A. Min. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
B. Max. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6

*A density bonus of up to 15% may be considered by the Planning Commission and County Council when the development provides 10% of the total housing units for affordability and housing diversity. This may be achieved through smaller square footage units being incorporated into the Master Development Plan for families with moderate incomes of at least 50% but less than 80% of median incomes for the Charlotte –Gastonia-Salisbury Combined Statistical Area.

**Additional density may be considered during the Mixed-Use District / Master Development Plan process by the Planning Commission and County Council.

For the purposes of this ordinance, the standards and provisions for mixed-use districts including UR, HDR, RMX, MX, and IMX require the development and approval of a Mixed-Use District / Master Development Plan in accordance with Chapter 9. Such plans must be approved prior to the issuance of any other land development permits except for a preliminary or final plats necessary to subdivide the development to provide access to the tract.



Indicates New Text***

3.5 URBAN DISTRICT DEVELOPMENT STANDARDS

Base Districts	Urban Residential UR	High Density Residential HDR	Residential Mixed-Use RMX	Mixed-Use MX	Industrial Mixed-use IMX
1. BUILDING TYPE	Section 3.4	Section 3.4	Section 3.4	Section 3.4	Section 3.4
2. PERMITTED BUILDING ELEMENTS	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
3. DEVELOPMENT STANDARDS					
A. Max. Density (Units/Acre)	4 dua	8 dua	Attached - 12 dua * Detached - 9 dua	15 dua * and **	12 dua
B. Minimum Development Size	25 acres***	25 acres***	25 acres***	25 acres***	25 acres***
4. BUILDING PLACEMENT	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
5. ACCESSORY STRUCTURE	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
6. PARKING CONFIGURATION	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7	By building type – See Chapter 7
7. HEIGHT					
A. Min. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6
B. Max. Height	Section 3.6	Section 3.6	Section 3.6	Section 3.6	Section 3.6

*A density bonus of up to 15% may be considered by the Planning Commission and County Council when the development provides 10% of the total housing units for affordability and housing diversity. This may be achieved through smaller square footage units being incorporated into the Master Development Plan for families with moderate incomes of at least 50% but less than 80% of median incomes for the Charlotte –Gastonia-Salisbury Combined Statistical Area.

**Additional density may be considered during the Mixed-Use District / Master Development Plan process by the Planning Commission and County Council.

***For existing properties zoned with a mixed use designation prior to the adoption of the minimum mixed use development size standards, a 20% reduction in the minimum mixed use development size may be requested as a matter of right.

For the purposes of this ordinance, the standards and provisions for mixed-use districts including UR, HDR, RMX, MX, and IMX require the development and approval of a Mixed-Use District / Master Development Plan in accordance with Chapter 9. Such plans must be approved prior to the issuance of any other land development permits except for a preliminary or final plats necessary to subdivide the development to provide access to the tract.



Exhibit 3



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1602

Contact Person / Sponsor: John DuBose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

The Ordinance would amend the definition of “Class 4 Property” within the Rate and Method of Apportionments (“RMA”) included in the Assessment Roll for Bond Area 3 (previously approved in December 2016) of Walnut Creek Improvement District (formerly known as Edenmoor), to change the equivalent assessment factor (“EAF”) for Class 4 Property from 0.56 per Unit (townhome) to 1.0 per Unit.

Points to Consider:

This change has been requested by Edenmoor Land Acquisition II, LLC, which intends to record a plat related to 67 townhomes to be constructed on parcels in Bond Area 3 owned by it (the “Townhome Parcels”), in connection with a proposed reclassification of the Townhome Parcels from Class 2 Property (commercial) to Class 4 Property (residential townhomes – does not include single family homes). This change only affects the assessments related to townhomes within Bond Area 3. There are currently three parcels of land in Bond Area 3, which are owned by ELA II and one other commercial land owner, each of whom have consented to the change in EAF for Class 4 Property in the RMA and represented to the County that they do not intend to construct any additional townhomes other than the 67 described above.

The effect of the reclassification and change in EAF for Class 4 Property in the RMA is that annual assessment payments for each townhome lot would be reduced (and be much more consistent with annual assessment payments for single family residential), but the total aggregate assessments applicable to those parcels would not change.

In addition to obtaining the consent of the current landowners within Bond Area 3, the County’s assessment consultant (David Taussig & Associates) has reviewed the proposed reclassification and modification of the RMA and does not believe future property owners within Bond Area 3 would be adversely impacted.

Funding and Liability Factors:

None

Council Options:

Council can approve, deny or amend the Ordinance.

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1602	8/7/2019	Ordinance

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2019-1602

COUNTY OF LANCASTER

)

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AN ORDINANCE

TO AUTHORIZE CERTAIN MODIFICATIONS TO THE WALNUT CREEK IMPROVEMENT DISTRICT ASSESSMENT ROLL FOR BOND AREA 3, INCLUDING ITS RATE AND METHOD OF APPORTIONMENT OF ASSESSMENT A; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

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

Section 1. Findings.

The Lancaster County Council finds that:

(a) The County Council (the "County Council") of Lancaster County, South Carolina (the "County") by Ordinance No. 713 enacted on January 30, 2006, as corrected and confirmed by Resolution No. 527 adopted on May 22, 2006, and as amended by Ordinance No. 2015-1367 and Ordinance No. 2016-1393 enacted on December 14, 2015 and November 14, 2016, respectively (as so amended, the "Improvement District Ordinance"), has heretofore established the Walnut Creek Improvement District, formerly known as the Edenmoor Improvement District (the "Improvement District"), relating to an approximately 868-acre residential development known as "Walnut Creek", formerly known as "Edenmoor" (the "Development"), and approved an Assessment Roll for each Bond Area (as such terms are defined herein);

(b) Pursuant to the Improvement District Ordinance, the Improvement District was subdivided into three areas (referenced herein as Bond Area 1, Bond Area 2 and Bond Area 3 (each, a "Bond Area"), and the Assessment A applicable to each such Bond Area also relates to a specific sub-series of Series A Bonds (as such terms are defined in the Assessment Roll A, including the Rate and Method of Apportionment of Assessment A (the "RMA") attached as an appendix thereto (together with the RMA, each, an "Assessment Roll"), relating to each such Bond Area) which are presently outstanding and/or may be hereafter issued to refund such outstanding bonds;

(c) The County understands that Bond Area 3 presently consists of three parcels of land aggregating 259.67 acres, which parcels are presently owned by two commercial real estate landowners, and that one of such landowner known as Edenmoor Land Acquisition II, LLC ("ELA II"), intends to record a plat map consisting of approximately 67 townhomes on property within Bond Area 3 (the "Townhome Parcels") which had been previously intended for commercial development and to reclassify the Townhome Parcels from Class 2 Property to Class 4 Property (as such terms are defined in RMA included in the hereinafter defined Original Assessment Roll A-3);

(d) ELA II has advised the County that, based on the current equivalent assessment factor ("EAF") specified in the RMA included in the Original Assessment Roll A-3 for Class 4 Property (e.g., defined to mean residential property including townhomes) of 0.56 per Unit, the resulting annual Assessment A payment for future townhome owners within Bond Area 3 would be disproportionately higher than other residential property owners in Bond Area 3 and could negatively impact the marketability of such development; as such, ELA II has requested that the Original Assessment Roll A-3

be modified to change the EAF for Class 4 Property from 0.56 per Unit to 1.00 per Unit and other changes described herein; and

(d) The County further understands that, based on the representations of ELA II, the total Assessment A for the parcels in Bond Area 3 will not change because of the reclassification of property from Class 2 Property to Class 4 Property and the modification to the Original Assessment Roll A-3 described above and that, further, (1) the annual Assessment A payment to be made by owners of Class 4 Property (e.g., owners of townhomes) is expected to be less than the annual Assessment A payment such owners would pay absent such reclassification and modification, (2) the property owned by ELA II (e.g., the Townhome Parcels) is the only property within Bond Area 3 to be classified as Class 4 Property or to be developed as townhomes in Bond Area 3, (3) all of the current property owners within Bond Area 3 have been advised of the proposed reclassification of the Townhome Parcels and modification of the Original Assessment Roll A-3 and have consented in writing thereto prior to the date hereof and (4) the County's assessment consultant, David Taussig & Associates, Inc. has reviewed the proposed reclassification and modification of the Original Assessment Roll A-3 described above and does not believe future property owners within Bond Area 3 would be adversely impacted by such modification.

Section 2. Amendment of Original Assessment Roll A-3.

The Assessment Roll A-3 (including the RMA attached thereto), as approved in December 2016 (the "Original Assessment Roll A-3"), is hereby amended as follows:

(a) The definition of "Equivalent Assessment A Factors" in the RMA is modified such that the EAF for Class 4 Property shall be changed from "0.56 per Unit" to "1.00 per Unit".

(b) The total EAF for Tax Parcel Number 0020-00-002.00 shall be increased from 62.70 EAF to 67 for the 2019 Assessment Roll, reflecting the reclassification of the commercial parcel therein from Class 2 Property to Class 4 Property and the above-described modification. The annual update to Assessment Roll A for Bond Area 3, which is anticipated to be presented to the County Council for approval on or about September 9, 2019, shall be confirmed accordingly.

(c) Except as modified hereby and as annually updated from time to time, the Original Assessment Roll A-3 shall be confirmed in its original form.

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 purposes of this ordinance.

Section 4. Severability.

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

Section 5. Controlling Provisions.

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

Section 6. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Enacted this _____ day of _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Date of First Reading:	August 12, 2019
Date of Second Reading:	August 26, 2019
Date of Public Hearing:	September 9, 2019
Date of Third Reading:	September 9, 2019

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Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1603
Contact Person / Sponsor: Jamie Gilbert/Economic Development
Department: Economic Development
Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Project Grain, is an international building products manufacturer that is considering the establishment of a manufacturing operation in one of Lancaster County's existing buildings.. The project is expected create 210 new jobs with a capital investment of \$10,141,000 of which approximately \$9,741,000 will be taxable property. The project is seeking to begin operations in October 2019. This is a competitive project that the Lancaster County Department of Economic Development (LCDED) has been recruiting for several months.

Project Grain and LCDED have been working for the last month on a property tax incentive structure that would allow the project to move forward and have come to an agreement on what incentives are required.

Based on the new jobs and investment numbers, LCDED is recommending the County Council approve two Special Source Revenue Credits for Project Grain that would be applicable to the company's real and personal property.

5 Year Manufacturers Credit

- Project Grain will be able to collect the state 5 year manufacturers credit against the county portion of the millage.
- The collection will only be for the first five years as the company has agreed not to accept the credit after the fifth year.

SSRC #1

- 18 Years.
- SSRC #1 begins in year six of the project.
- All investments within the first five years of the project are eligible to receive the credit.
- In the first fifteen years of SSRC #1, the ad valorem property taxes will be calculated so that the taxes due are equal to a 6% assessment with a millage rate of 498.3.
- In years sixteen, seventeen and eighteen of SSRC #1, the ad valorem taxes will receive a credit of 10.75%, 8.6% and 3%.

SSRC #2

- 14 years.
- In years 1-5, SSRC #2 provides a credit of 50% to the ad valorem property taxes.
- In years 6-10, SSRC #2 provides a credit of 50% after SSRC #1 has been applied.
- In Years 11-14, SSRC #2 provides a credit of 12.5% (year 11), 10% (year 12) and 3.5% (years 13 and 14) after SSRC #1 has been applied.

Eligibility

- SSRC #1: The company must maintain a minimum investment of \$2,500,000 and 10 full time jobs at the facility over the term of the agreement.
- SSRC #2: The company must satisfy the requirements of SSRC #1 in order to receive SSRC #2.
- The company must then meet the agreed upon number of qualified full time job numbers annually or SSRC #2 will be reduced by the percentage of jobs attained.
- SSRC #2's qualified full time job requirements are 20 jobs in year two, 30 jobs in year three and 40 jobs in years four to fourteen. Qualified full time jobs are at least 30 hours a a week, provide health care benefits and pay an hourly wage rate of \$15 per hour in years one to five and \$16.88 per hour in years six to fourteen.

Points to Consider:

The incentive are consistent will incentive guidelines developed by LCDED which are based on job creation, investment, wages

paid and location within Lancaster County.

Project Grain would be the largest new manufacturing project to locate in Lancaster County in six years, the county's seventh largest manufacturer, occupy an existing older industrial property in Lancaster and provide some much needed new manufacturing jobs to the central/southern area of the county.

Funding and Liability Factors:

The project will be able to claim the statutory 5 year manufacturers exemption which means the county will not receive any of its portion of the property tax revenue for the first five years of the project. The project will however generate other revenue to the county during that time through local purchases, payroll to employees living in the county, services/good purchased by employees, etc.

The cost benefit analysis run for the project shows a positive fiscal impact to the county of \$4 to \$1.

Council Options:

Council can vote to 1) approve the recommended incentives, 2) decline the recommended incentives or 3) table the recommended incentives for a future meeting.

Recommendation:

LCDED recommends County Council Approve Ordinance 2019-1603.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1603	8/7/2019	Ordinance
Exhibit A to Ordinance 2019-1603: Special Source Revenue Credit Agreement Among Lancaster County, South Carolina And Project Grain	8/7/2019	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2019-1603

COUNTY OF LANCASTER

)

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AN ORDINANCE

TO AUTHORIZE THE EXECUTION AND DELIVERY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT BY AND BETWEEN LANCASTER COUNTY AND PROJECT GRAIN PROVIDING FOR, AMONG OTHER THINGS, 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.

The Council finds that:

(a) Lancaster County, South Carolina (the “County”) acting by and through its County Council (the “Council”) 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) Project Grain, a South Carolina limited liability company, on its own or together with one or more of its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others (collectively, the “Company”), is considering establishing a manufacturing facility in the County and the Company anticipates the establishment of the manufacturing facility will result in an investment of approximately \$9,741,000 in personal and real property and approximately 210 new, full-time employees (the “Project”);

(c) as an inducement to the Company to locate the Project in the County and at the request of the Company, the County has agreed to offer the Company special source revenue credits, as authorized by the SSRC Law, for the benefit of the Project and enter into a Special Source Revenue Credit Agreement with the Company (the “Credit Agreement”), which further sets out the details of the special source revenue credits;

(d) the Company has caused to be prepared and presented to the Council the form of the Credit Agreement; and

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

Section 2. Approval of Credit Agreement.

Subject to the provisions of Section 4 of this ordinance, and, in order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State by assisting the Company to locate and maintain an industrial facility in the State, the Credit Agreement is hereby 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 SSRC Law.

(b) The Project and the payments in lieu of taxes referenced 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 4. Approval and Execution of Credit Agreement.

A. The form, terms, and provisions of the Credit 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 Credit 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 Credit Agreement in

the name of and on behalf of the County, and thereupon to cause the Credit Agreement to be delivered to the Company. The Credit 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 Credit Agreement attached to this ordinance.

B. The authority of the Council Chair and Council Secretary to execute and deliver the Credit Agreement is conditioned upon the Council of the City of Lancaster approving the provision of special source revenue credits to the Company as provided in the Credit Agreement.

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 Credit Agreement and the performance of all obligations of the County under and pursuant to the Credit 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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: August 12, 2019
Second Reading: August 26, 2019
Public Hearing: September 9, 2019
Third Reading: September 9, 2019

Exhibit A to Ordinance No. 2019-1603

**Special Source Revenue Credit Agreement
Lancaster County, South Carolina and Project Grain**

See attached.

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SPECIAL SOURCE REVENUE CREDIT AGREEMENT

AMONG

LANCASTER COUNTY, SOUTH CAROLINA

AND

PROJECT GRAIN

DATED
AS OF

SEPTEMBER 9, 2019

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SPECIAL SOURCE REVENUE CREDIT AGREEMENT

This SPECIAL SOURCE REVENUE CREDIT AGREEMENT (this “**Agreement**”) is made and entered into as of September 9, 2019 (“**Effective Date**”), by and among LANCASTER COUNTY, SOUTH CAROLINA (the “**County**”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the “**County Council**”) as governing body of the County and [Project Grain], a South Carolina limited liability company (the “**Company**”).

RECITALS

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 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, Company, on its own or together with one or more of its subsidiaries, affiliates, successors, assigns, sponsors, lessors, and others, is considering establishing a manufacturing facility in the County and the Company anticipates the establishment of the manufacturing facility will result in an investment of approximately \$9,741,000 in personal and real property and approximately 210 new, full-time employees (the “**Project**”);

WHEREAS, as authorized by the MCP Laws, the County and Chester County entered into an Agreement for the Development of a Joint Industrial and Business Park, dated as of December 1, 2008 (the “**Park Agreement**”);

WHEREAS, the County and Chester County previously acted to include in the Park Agreement the parcel of land on which the Project will be located (Tax Map No.) (the “**Land**”);

WHEREAS, as an inducement to the Company to locate the Project in the County and at the request of the Company, the County has agreed to offer the Company special source revenue credits, as authorized by the SSRC Law, for the benefit of the Project and enter into this Agreement with the Company which further sets out the details of the special source revenue credits;

WHEREAS, upon achievement thereof but no later than December 31, 2023, the Company has committed to thereafter maintain during the term of this Agreement taxable investment at the Project of not less than \$2,500,000 (“**Minimum Investment Commitment**”) and maintain at the Project no less than 10 Full-Time Jobs (as defined below) in connection with the Project.

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

ARTICLE I

RULES OF CONSTRUCTION; DEFINITIONS

SECTION 1.1 *Rules of Construction; Use of Defined Terms.* Unless the context clearly indicates otherwise, in this Agreement words and terms defined in Section 1.2 hereof are used with the meanings ascribed thereto.

SECTION 1.2 *Definitions.*

“Acts” has the meaning set forth in the Recitals.

“Administrative Expenses” has the meaning set forth in Section 9.12 of this Agreement.

“Agreement” means this Special Source Revenue Credit Agreement dated as of September 9, 2019, among the County and the Company.

“Company” means Project Grain, a South Carolina limited liability company, and its successors and assigns.

“County Council” means the governing body of the County.

“County” means Lancaster County, South Carolina, a body politic and corporate and a political subdivision of the State, and its successors and assigns.

“Documents” means the Ordinance and this Agreement.

“Equipment” means all machinery, apparatus, equipment, fixtures, office facilities, furnishings and other tangible personal property located on or at the Real Property to the extent such is used in the operation of the Project.

“Event of Default” means any Event of Default specified in Section 7.1 of this Agreement.

“Full-Time Job” means a full-time job (*i.e.*, at least thirty (30) hours per week) at the Project.

“Improvements” means improvements to the Real Property together with any and all additions, accessions, replacements and substitutions thereto or therefor, and all fixtures now or hereafter attached thereto.

“Infrastructure Improvements” means, in accordance with the Acts, the designing, acquiring, constructing, improving or expanding the infrastructure serving the County and for improved or unimproved real estate, buildings and structural components of buildings, including upfits. Upon the written election by the Company and written notice to the County, personal property, including the Equipment, and such other items as may be described in or permitted under Section 4-29-68 of the Acts, shall also be included.

“Investment Period” means the period beginning when the Company first acquires property for the Project and ending on December 31, 2023.

“Land” has the meaning set forth in the Recitals.

“Minimum Investment Commitment” has the meaning set forth in the Recitals.

“MCP Laws” has the meaning set forth in the Recitals.

“Ordinance” means Ordinance No. 2019-____, enacted by the County Council on September 9, 2019, authorizing and approving this Agreement.

“Park” means the multi-county park jointly developed by the County and Chester County pursuant to the Park Agreement, or a successor multi-county park established pursuant to the MCP Laws.

“Park Agreement” has the meaning set forth in the Recitals.

“Payments-in-Lieu-of-Taxes” means the payments to be made by the Company pursuant to Section 4.1 of this Agreement.

“Project” has the meaning set forth in the Recitals.

“Project Affiliate” is any individual or entity that participates in the Project.

“Qualified Full-Time Job” means a full-time job (*i.e.*, at least thirty (30) hours per week) at the Project, with health care benefits, paying an hourly wage not less than the Wage Requirement. As used in this definition and as applicable to the Project, “Qualified Full-Time Job” includes only those jobs employed by the Company for the Project. “Qualified Full-Time Jobs” does not include those jobs staffed using a temporary employment agency or staffing agency.

“Real Property” means the Land together with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto; all Improvements now or hereafter situated thereon; and all fixtures now or hereafter attached thereto.

“**SCDOR**” means the South Carolina Department of Revenue and any successor thereto.

“**Special Source Revenue Credit**” or “**SSRC**” has the meaning set forth in Section 4.2 of this Agreement.

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

“**Wage Requirement**” means Fifteen Dollars (\$15.00) per hour. The hourly wage rate of fifteen dollars (\$15.00) shall be adjusted on December 31, 2024, to the lower of either sixteen dollars and eighty-eight cents (\$16.88) or the then current per capita hourly wage rate for the County as published by the SCDOR.

SECTION 1.3 *Amended Agreements and Documents.* Unless the context clearly indicates otherwise, any reference to any agreement or document in this Article or otherwise in this Agreement shall be deemed to include any and all amendments, supplements, addenda and modifications to such agreement or document.

ARTICLE II LIMITATION OF LIABILITY

SECTION 2.1 *Limitation of Liability.* This Agreement imposes no obligation on the County for the payment of money. Any obligation which may be imposed on the County by this Agreement does not and shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation and shall never create a pecuniary liability of the County or a charge upon its general credit or against its taxing powers.

ARTICLE III REPRESENTATIONS AND COVENANTS

SECTION 3.1 *Representations of 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 Acts to enter into this Agreement, (iii) it has approved this Agreement in accordance with the procedural requirements of the Acts and any other applicable state law and the applicable County Council rules, and (iv) it has authorized its officials to execute and deliver this Agreement.

SECTION 3.2 *Covenants by the County.*

(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 the Company to receive and administer, as grantee and in accordance with applicable law, for the benefit of the Project any monetary grant for the Project received from the State Coordinating Council on Economic Development.

SECTION 3.3 *Representations of the Company.* The Company represents that (i) it is a limited liability company organized, validly existing, and in good standing under the laws of

the State, (ii) it has the power to enter into this Agreement, (iii) it has by proper action approved this Agreement, and (iv) it has authorized its officials to execute and deliver this Agreement.

SECTION 3.4 *Covenants by the Company.* The Company covenants with the County to maintain a membership in the Lancaster County Chamber of Commerce for so long as it exists for the term of this Agreement.

ARTICLE IV

PAYMENTS-IN-LIEU-OF-TAXES; SPECIAL SOURCE REVENUE CREDIT; TERM

SECTION 4.1 *Payments-in-Lieu-of-Taxes.*

(a) The parties acknowledge that under the MCP Laws, the Project is exempt from *ad valorem* property taxes. However, the Company shall be required to make annual Payments-in-Lieu-of-Taxes with respect to the Project in an amount equal to what such *ad valorem* property taxes would be if the Project were not located in the Park, less the Special Source Revenue Credits that are provided in Section 4.2. The Payments-in-Lieu-of-Taxes to be made by the Company under this Agreement shall be calculated in the same manner as *ad valorem* taxes. The collection and enforcement of the Payments-in-Lieu of Taxes shall be as provided in Section 12-2-90, Code of Laws of South Carolina 1976, as amended.

(b) Further, pursuant to the Acts as existing on the date of this Agreement, if the Company has made a written election to include, as part of the Infrastructure Improvements, the Equipment, and has provided notice to the County of such election, and the Company subsequently removes or disposes of Equipment from the Project during the term of this Agreement and has claimed a Special Source Revenue Credit against its Payments-in-Lieu-of-Taxes based upon such Equipment, then the Company is required to continue to make Payments-in-Lieu-of-Taxes on the removed Equipment for the two years immediately following the year in which the Company removes the Equipment from the Project. The amount of the Payments-in-Lieu-of-Taxes due on the removed Equipment under the Acts is equal to the Payment-in-Lieu-of-Taxes due on the Equipment for the year in which the Company removes or disposes of the Equipment. If the Company replaces the Equipment with qualifying replacement property, as defined in the Acts, then the removed Equipment is deemed not to have been removed from the Project. Notwithstanding anything in this subsection to the contrary, the Company shall be required to make the Payments-in-Lieu-of-Taxes required in this subsection only if and to the extent that the Acts so require at the time that the Equipment in question is removed or disposed of.

SECTION 4.2 *Special Source Revenue Credit.*

(a) *Special Source Revenue Credit #1.* Subject to the provisions of this subsection (a), the County grants to the Company a Special Source Revenue Credit (“Special Source Revenue Credit #1”) for a period of eighteen (18) years against each annual Payment-in-Lieu-of-Taxes due from the Company in the following amounts: (i) for each of the initial fifteen (15) years of the eighteen (18) year period, the Special Source Revenue Credit #1 shall equal an amount that would allow the Company’s remaining Payment-in-Lieu-of-Taxes, after deduction of Special

Source Revenue Credit #1 but before deduction of Special Source Revenue Credit #2, to be equivalent to an amount calculated using a 6% assessment ratio and a millage rate of 498.3; and (ii) for years sixteen (16), seventeen (17) and eighteen (18), the Special Source Revenue Credit #1 shall equal 10.75%, 8.6% and 3%, respectively, of the Payment-in-Lieu-of-Taxes liability calculated pursuant to Section 4.1(a) of this Agreement. Credit Period #1 shall commence with the Payment-in-Lieu-of-Taxes bill sent to the Company in the fall of 2025 with payment due on or before January 15, 2026 and the last year of Credit Period #1 shall be with the Payment-in-Lieu-of-Taxes bill sent to the Company in the fall of 2042 with payment due on or before January 15, 2043 (“Credit Period #1”). Special Source Revenue Credit #1 does not apply in any year in which the Company is using the exemption provided by Section 3(g) of Article X of the State Constitution (the five-year abatement).

(b) *Special Source Revenue Credit #2.* Subject to the provisions of this subsection (b), the County grants to the Company an additional Special Source Revenue Credit (“Special Source Revenue Credit #2”) against each annual Payment-in-Lieu-of-Taxes, for a period of fourteen (14) years, due from the Company as follows: (i) for each of the initial ten (10) years of the fourteen (14) year period, an amount equal to 50% of the annual Payment-in-Lieu-of-Taxes liability (the amount remaining after Special Source Revenue Credit #1 is applied, if applicable); and (ii) for years eleven (11), twelve (12), thirteen (13), and fourteen (14) of the fourteen (14) period, the Special Source Revenue Credit #2 will only equal 12.5%, 10%, 3.5% and 3.5%, respectively, of the remaining Payment-in-Lieu-of-Taxes liability. The period during which the County grants Special Source Revenue Credit #2 shall commence with the Payment-in-Lieu-of-Taxes bill sent to the Company in the fall of 2020 with payment due on or before January 15, 2021 and ends with the Payment-in-Lieu-of-Taxes bill sent to the Company in the fall of 2033 with payment due on or before January 15, 2034 (“Credit Period #2”). For years in which Special Source Revenue Credit #1 is applied, Special Source Revenue Credit #2 is applied after deduction of Special Source Revenue Credit #1. Special Source Revenue Credit #2 is applied only if the Company has met the Special Source Revenue Credit #2 Performance Requirement (as defined below).

(c) Notwithstanding anything in this Agreement to the contrary, the Company is entitled to an SSRC only to the extent that, as of the date that an SSRC is to be applied, the total cost of the Infrastructure Improvements is at least equal to the aggregate amount of any SSRC previously provided and the amount of the SSRC to be provided for the year in question. Upon request of the County, the Company shall provide documentation to the County reflecting the cost of the Infrastructure Improvements.

(d) For purposes of this Section 4.2 and Section 4.3, “year” means the twelve-month period January 1 through December 31.

(e) Special Source Revenue Credit #1 and Special Source Revenue Credit #2 shall collectively be referred to herein as Special Source Revenue Credits.

(f) To the extent a Project Affiliate invests in the Project, the Project Affiliate shall receive the same benefits against its Payment-in-Lieu-of-Taxes as the Company receives and subject to the same conditions and requirements.

SECTION 4.3 *Performance Requirements.*

(a) The Company shall receive the Special Source Revenue Credit #1 so long as the Company meets the Minimum Investment Commitment by the end of the Investment Period (and maintains it each year thereafter) and the average number of Full-Time Jobs is not less than 10 for the preceding year, to be tested for each year of Credit Period #1 by the County Economic Development Director (the “Special Source Revenue Credit #1 Performance Requirement”). For Special Source Revenue Credit #1, the test for compliance shall be based on the average number of Full-Time Jobs for the preceding year.

(b) If the Company meets the Special Source Revenue Credit #1 Performance Requirement, then the Company shall receive Special Source Revenue Credit #2 so long as the Company satisfies the Special Source Revenue Credit #2 Performance Requirement. “Special Source Revenue Credit #2 Performance Requirement” means the creation and maintenance of the number of Qualified Full-Time Jobs at the following levels and in the designated timeframes:

(i) to have employed in Qualified Full-Time Jobs an average of not less than 0 during the year ending December 31, 2019,

(ii) to have employed in Qualified Full-Time Jobs an average of not less than 20 during the year ending December 31, 2020,

(iii) to have employed in Qualified Full-Time Jobs an average of not less than 30 during the year ending December 31, 2021,

(iv) to have employed in Qualified Full-Time Jobs an average of not less than 40 during the year ending December 31, 2022 through 2032.

(c) Company agrees to submit to the County Economic Development Director, not later than June 30 of each year, a certification on Company letterhead certifying the number of Qualified Full-Time Jobs created and maintained by the Company for each month of the preceding year.

(d) For purposes of determining compliance with the Special Source Revenue Credit #1 Performance Requirement and the Special Source Revenue Credit #2 Performance Requirement, Company agrees to provide to the County Economic Development Director, not later than June 30 of each year, a copy of all of the following Company’s filings with the State (if required to be filed with the State) for the preceding calendar year: (i) reports submitted to the South Carolina Coordinating Council for Economic Development with respect to any Job Development Credits awarded in connection with the Project, (ii) Department of Revenue Form SC SCH. TC 4 (New Jobs Credit), and (iii) South Carolina Department of Employment and Workforce quarterly contribution and wage reports (such as Form UCE 120). Company agrees

to redact any personally identifying information and proprietary and confidential information prior to submitting any form to the County Economic Development Director. In lieu of providing any of the forms specifically identified in this subsection, Company and the County Economic Development Director may agree on an alternative method for the Company to demonstrate compliance with the Special Source Revenue Credit #1 Performance Requirement and the Special Source Revenue Credit #2 Performance Requirement.

(e) *Special Source Revenue Credit #1 Penalty.* Both the Special Source Revenue Credit #1 Performance Requirement and the Special Source Revenue Credit #2 Performance Requirement shall be tested as set forth herein by the County Economic Development Director. If the Special Source Revenue Credit #1 Performance Requirement is not satisfied during any applicable property tax year, the Company shall not be entitled to any Special Source Revenue Credit #1 and any Special Source Revenue Credit #2 (except during the term of the Investment Period) otherwise due and shall be required to pay a Payment-in-Lieu-of-Taxes computed in accordance with Section 4.1(a) of this Agreement but without any Special Source Revenue Credit, *provided, however*, the Payment-in-Lieu-of-Taxes shall be computed with regard to any applicable property tax exemptions.

(f) *Special Source Revenue Credit #2 Penalty.* The Special Source Revenue Credit #2 Performance Requirement shall be tested annually as set forth herein by the County Economic Development Director. If the Special Source Revenue Credit #2 Performance Requirement is not satisfied during any applicable year, the amount of Special Source Revenue Credit #2 to which the Company is entitled shall be subject to a pro-rata reduction, to be calculated in accordance with the following:

Special Source Revenue Credit #2 Amount = 50% x Special Source Revenue Credit #2 Achievement Percentage

Special Source Revenue Credit #2 Achievement Percentage = Actual Qualified Full-Time Jobs Created (per Section 4.3(b)) / Special Source Revenue Credit #2 Performance Requirement

For example, and by way of example only, if 20 Qualified Full-Time Jobs had been achieved during a certain year, and the requirement was 30, the reduction in Special Source Revenue Credits would be calculated as follows:

$$\text{Special Source Revenue Credit \#2 Achievement Percentage} = 20/30 = 66.67\%$$

$$\text{Special Source Revenue Credit \#2 Amount} = 50\% \times 66.67\% = 33.33\%$$

Unless otherwise provided in this Agreement, the Company's failure to satisfy the Minimum Investment Commitment, the Special Source Revenue Credit #1 Performance Requirement, or the Special Source Revenue Credit #2 Performance Requirement in any applicable year shall not affect the Company's right to receive the Special Source Revenue Credit #1 or Special Source Revenue Credit #2 for any subsequent tax year.

(g) Notwithstanding any other provision of this Agreement, Company acknowledges and agrees that County's obligation to provide the Special Source Revenue Credits set forth herein shall end, and this Agreement shall be terminated, if the Company ceases operations. For purposes of this Section 4.3(g), "cease operations" means permanent closure of the facility. Company agrees that if this Agreement is terminated pursuant to this Section 4.3(g), that under no circumstance shall the County be required to refund or pay any monies to Company.

(h) In the determination of the Company's compliance with any investment and job creation requirements set forth in this Agreement, the County shall take into account the investments made and the jobs created by any Project Affiliate and consider same as if such investment made and jobs created were that of the Company.

SECTION 4.4 *Term.* Except for those provisions which are intended to survive termination of this Agreement, the term of this Agreement shall be from the Effective Date until the last day of the year in which the Company is eligible for the Special Source Revenue Credits provided in Section 4.2 of this Agreement unless earlier terminated pursuant to Section 4.3(g) hereof or pursuant to the exercise by the Company of its option to terminate pursuant to Section 8.1 hereof.

ARTICLE V EFFECTIVE DATE

SECTION 5.1 *Effective Date.* This Agreement is effective as of the Effective Date.

ARTICLE VI SPECIAL COVENANTS

SECTION 6.1 *Confidential Information.*

(a) The Company agrees that the County and its authorized agents have the right at all reasonable times and upon prior reasonable notice to enter upon and examine and inspect the Project and to have access to and examine and inspect all the Company's books and records pertaining to the Project. The right of examination and inspection shall be exercised only upon reasonable and necessary terms and conditions prescribed by the Company to protect the Company's confidentiality and proprietary rights, including but not limited to, requiring the County to enter into certain non-disclosure agreements, mutually satisfactory to the parties to this Agreement.

(b) The County acknowledges and understands that the Company may have and maintain at the Project certain confidential and proprietary information, including, but not limited to, trade secrets, financial, sales or other information concerning the Company's operations and processes ("Confidential Information") and that any disclosure of the Confidential Information could result in substantial harm to the Company and could have a significant detrimental impact on the Company's employees and also upon the County. Except as required by law, including, without limitation, court orders, the County agrees to use its best reasonable efforts to keep confidential,

and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives, when the Confidential Information is clearly marked and identified as Confidential Information and known to the County to be Confidential Information. The County shall not knowingly and willfully disclose and shall cause all employees, agents and representatives of the County not to knowingly and willfully disclose the marked and identified Confidential Information to any person or entity other than in accordance with the terms of this Agreement. If a demand is made for the release, under color of law, to a third party of any Confidential Information, the County shall notify the Company and give the Company the opportunity to contest the release.

SECTION 6.2 *Indemnification Covenants.*

(a) The Company shall and agrees to hold the County and its County Council members, officers, agents and employees harmless from all pecuniary liability based upon those reasons set forth in subsection (b) below. Such indemnification obligation shall survive any termination of this Agreement.

(b) Notwithstanding the fact that it is the intention of the parties that neither the County nor any of its County Council members, officers, agents and employees shall incur any pecuniary liability to any third party (i) by reason of the terms of this Agreement or the undertakings of the County required hereunder, (ii) by reason of the performance of any act in connection with the entering into and performance of the transactions described in the Documents, or (iii) by reason of the condition or operation of the Project, including claims, liabilities or losses arising in connection with the violation of any statutes or regulations, if the County or any of its County Council members, officers, agents or employees should incur any such pecuniary liability, then, in that event the Company shall indemnify and hold harmless the County and its County Council members, officers, agents and employees against all pecuniary claims by or on behalf of any person, firm or corporation, arising out of the same, and all costs and expenses incurred in connection with any such claim. The provisions of this Section 6.2 shall survive any termination of this Agreement.

(c) Notwithstanding the foregoing, the Company shall not be obligated to indemnify the County or any of its individual members, officers, agents and employees for expenses, claims, losses or damages arising from the intentional or willful misconduct or negligence of the County or any of its individual officers, agents or employees.

SECTION 6.3 *Assignment.* With the County's consent, which shall not be unreasonably withheld, any or all of the Company's interest in the Project and/or this Agreement may be transferred or assigned by the Company or any assignee to any other entity, without the termination of the benefits provided in this Agreement. The County hereby expressly consents to any such transfer or assignment by the Company to any Company affiliate. The County agrees that the County Council can provide any required consent by a resolution of County Council.

ARTICLE VII EVENTS OF DEFAULT AND REMEDIES

SECTION 7.1 *Events of Default Defined.* The occurrence of any one or more of the following events shall be an “Event of Default” under this Agreement:

(a) If the Company shall fail to make any Payment-in-Lieu-of-Taxes or payment of any other amount required under this Agreement and such failure shall continue for 30 days after receiving written notice of default from the County; or

(b) If the Company shall fail to observe or perform any covenant, condition, or agreement required herein to be observed or performed by the Company (other than as referred to in subsection (a) above), and such failure shall continue for a period of 30 days after written notice of default has been given to the Company by the County; *provided, that*, if, by reason of “*force majeure*”, as hereinafter defined, the Company is unable in whole or in part to carry out any such covenant, condition, or agreement or if it takes longer than 30 days to cure such default and the Company is diligently attempting to cure such default during such period, there shall be no Event of Default during such inability. The term “*force majeure*” as used herein shall mean circumstances not reasonably within the control of the parties, such as, without limitation, acts of God, strikes, lockouts or other industrial disturbances; war; acts of public enemies; mobilization or military conscription on a large scale; order of any kind of the government of the United States or any State, or any civil or military authority other than the County Council; insurrections; riots; landslides; earthquakes; fires; lightning; storms; droughts; floods; requisitions, confiscation, or commandeering of property; fuel restrictions; general shortages of transport, goods, or energy; or

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

SECTION 7.2 *Default by the Company.* Whenever any Event of Default by the Company shall have happened and be subsisting, the County may terminate this Agreement and/or take whatever action at law or in equity may appear legally required or necessary or desirable to collect any payments then due. As set forth in Section 8.1 hereof, the Company may terminate this Agreement at any time upon providing 30 days’ notice to the County, without regard to any Event of Default. Although the parties acknowledge that the Project is exempt from *ad valorem* taxes, the County and any other taxing entity affected thereby may, without limiting the generality of the foregoing, enforce the collection of the Payments-in-Lieu of Taxes as provided in Section 12-2-90, Code of Laws of South Carolina 1976, as amended, and exercise the remedies provided by general law (Title 12, Chapter 49) and the laws relating to the enforced collection of taxes, and shall have a first priority lien status as provided in the Acts and Chapters 4 and 54 of Title 12, Code of Laws of South Carolina 1976, as amended.

SECTION 7.3 *Default by County.* Upon the default of the County in the performance of any of its obligations hereunder, the Company may take whatever action at law or in equity as

may appear necessary or desirable to enforce its rights under this Agreement, including without limitation a suit for mandamus or specific performance.

SECTION 7.4 *No Remedy Exclusive.* No remedy herein conferred upon or reserved to the County or Company is intended to be exclusive of any other available remedy or remedies, but in each and every instance such remedy shall be cumulative and shall be in addition to every other remedy given under the Documents or now or hereafter existing at law or in equity or by statute. Unless otherwise provided herein or in the other Documents, no delay or omission to exercise any right or power shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

SECTION 7.5 *No Additional Waiver Implied by One Waiver.* In the event any warranty, covenant or agreement contained in this Agreement should be breached by the Company or the County and thereafter waived by the other party to this Agreement, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach.

ARTICLE VIII COMPANY OPTION TO TERMINATE

SECTION 8.1 *Company Option to Terminate.* From time to time (including without limitation any time during which there may be subsisting an Event of Default) and at any time upon at least 30 days' notice, the Company may terminate this Agreement with respect to the entire Project or any portion thereof. Upon termination of all or part of this Agreement, the Company will become liable, prospectively but not retroactively, for Payments-in-Lieu-of-Taxes computed in accordance with Section 4.1(a) of this Agreement but without any Special Source Revenue Credits, *provided, however*, the Payments-in-Lieu-of-Taxes shall be computed with regard to any applicable property tax exemptions on the Project or such portion thereof as is so terminated from inclusion in the Project, as well as for any amounts already due and owing under this Agreement, which latter amounts, if any, shall be paid to the County with the next installment of Payments-in-Lieu-of-Taxes pursuant to Section 4.1. The Company agrees that if this Agreement is terminated pursuant to this Section 8.1, that under no circumstance shall the County be required to refund or pay any monies to the Company.

ARTICLE IX MISCELLANEOUS

SECTION 9.1 *Notices.* 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 the Company:

[Project Grain]

Attn:

Street
Lancaster, SC
Telephone:
Facsimile:
Email:

With a copy to:

Parker Poe Adams & Bernstein LLP
Attn: Sam Moses
1221 Main Street, Suite 1100
Columbia, South Carolina 29201

To the County:

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

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

Mr. Jamie Gilbert
Economic Development Director, Lancaster County
P.O. Box 1809
Lancaster, South Carolina 29721-1809
Telephone: (803) 286-3633
Fax: (803) 416-9497
Email: jgilbert@lanastercountysc.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 9.2 *Binding Effect.* This Agreement shall inure to the benefit of and shall be binding upon the County and the Company and their respective successors and assigns.

SECTION 9.3 *Rescission and Severability.* In the event that the Acts or the Special Source Revenue Credit arrangement described in Article IV hereof is determined to be invalid in its entirety, the parties hereby agree that except as the final judicial decision may otherwise require, the Company shall be entitled to retain any benefits received under or pursuant to this Agreement; otherwise, in the event any provision of this Agreement shall be held invalid or

unenforceable by any court of competent jurisdiction, that decision shall not invalidate or render unenforceable any other provision of this Agreement, unless that decision destroys the basis for the transaction, in which event, at the expense and sole discretion of the Company, the parties shall in good faith attempt to preserve, to the maximum extent possible, the benefits provided and to be provided to the Company hereunder by either restructuring or reconstituting this Agreement under any then applicable law.

SECTION 9.4 *Fiscal Year.* If the Company's fiscal year changes in the future, the timing of the requirements set forth in this Agreement shall, as appropriate and as needed, be automatically revised accordingly, to the extent allowed by law.

SECTION 9.5 *Amendments, Changes and Modifications.* Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified, altered or terminated without the written consent of the County and the Company. To the maximum extent allowed by law, any County consent, including specifically and without limitation any County consent referred to in this Agreement, may be provided by a resolution of County Council.

SECTION 9.6 *Execution of Counterparts.* This Agreement may be executed in several counterparts, each of which shall constitute an original instrument.

SECTION 9.7 *Law Governing Construction of Agreement.* The laws of South Carolina shall govern the construction of this Agreement.

SECTION 9.8 *Filings.* The Company shall cause a copy of this Agreement to be filed with the County Auditor and the County Assessor within thirty (30) days after the date of execution and delivery hereof.

SECTION 9.9 *Filing of Reports and Certifications.* Each year during the term of this Agreement, the Company shall deliver to the County Auditor, the County Assessor, the County Treasurer, and the County Economic Development Director a copy of its most recent annual filings with the SCDOR with respect to the Project, not later than the later of June 30 or 30 days following delivery thereof to the SCDOR.

SECTION 9.10 *Headings.* The headings of the articles and sections of this Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Agreement.

SECTION 9.11 *Further Assurance.* From time to time the County agrees to execute and deliver to the Company such additional instruments as the Company may reasonably request to effectuate the purposes of this Agreement.

SECTION 9.12 *Administrative Expenses* (a) Company agrees to reimburse the County from time to time for its Administrative Expenses actually incurred in connection with the Project promptly upon written request therefore, but in no event later than thirty (30) days after receiving the written request from the County. The written request shall include a description of the nature of the Administrative Expenses. The Company and the County agree that the Administrative Expenses shall not exceed \$8,000 in the aggregate. As used in this

section, “Administrative Expenses” means the reasonable and necessary out-of-pocket expenses, including attorneys’ fees, incurred by the County with respect to (i) the preparation, review, approval and execution of this Agreement, (ii) the preparation, review, approval and execution of any related multi-county park documents, (iii) the preparation, review, approval and execution of other documents related to the Agreement and multi-county park documents, and (iv) the fulfillment of its obligations under this Agreement and any multi-county park documents, and in the implementation and administration of the terms and provisions of the documents after the date of execution thereof.

(b) In addition to the reimbursement of Administrative Expenses as provided in subsection (a) of this section, the Company agrees to reimburse the County for expenses incurred by the County for accountants and similar experts used by the County in the computation, preparation and verification of the annual Payments-in-Lieu-of-Taxes and any special source revenue credits, *provided, however*, the maximum annual reimbursement pursuant to this subsection is capped at five hundred dollars (\$500.00).

SIGNATURES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, LANCASTER COUNTY, SOUTH CAROLINA, and [PROJECT GRAIN], pursuant to due authority, have duly executed this Special Source Revenue Credit Agreement, all as of the Effective Date.

LANCASTER COUNTY, SOUTH CAROLINA

By: _____
Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

[PROJECT GRAIN]

By: _____

Name: _____

Title: _____

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1059-R2019
Contact Person / Sponsor: Councilman Terry Graham/District 1
Department: Administration
Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

A Resolution to prohibit through truck traffic on Waxhaw Village Road.

Points to Consider:

Councilman Terry Graham requests that Waxhaw Village Road be declared a NO THROUGH TRUCK roadway.

SC Code 56-5-940 provides that local authorities may install traffic control devices, including signage, on roads controlled by the local government.

Waxhaw Village Road is a county maintained dirt road in District 1. It is wide enough for two cars to pass if they are very careful.

Councilman Graham reports that tractor trailer trucks are using Waxhaw Village Road to travel from US 521 to Riverside Road.

This dirt road is not suitable for truck traffic. The Resolution directs that the Public Services Division post NO THROUGH TRUCK signage for Waxhaw Village Road.

Funding and Liability Factors:

No cost estimate at this time but the cost for signage and posts would be minimal.

Council Options:

Approve or reject the Resolution.

Recommendation:

Due to the urgent nature of the request this matter has not gone through a Standing Committee for a recommendation.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1059-R2019	8/20/2019	Resolution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO. 1059-R2019

A RESOLUTION

**DIRECTING THE LANCASTER COUNTY PUBLIC SERVICES DIVISION
TO POST SIGNAGE PROHIBITING THROUGH TRUCK TRAFFIC ON
WAXHAW VILLAGE ROAD BETWEEN CHARLOTTE HIGHWAY (U.S. 521)
AND OLD HICKORY ROAD (S-29-35).**

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

Section 1. Findings.

- Whereas: Waxhaw Village Road is a county owned and maintained dirt road that connects Charlotte Highway (U.S. 521) and Old Hickory Road (S-29-35); and
- Whereas: Waxhaw Village Road is not wide enough to safely allow tractor trailer truck traffic to utilize this roadway; and
- Whereas: the Lancaster County Council finds it would be in the best interest of the public to prohibit Through Truck traffic on Waxhaw Village Road.

Section 2. Adoption by County Council.

By way of Resolution Number 1059-R2019 the Lancaster County Council hereby directs the Lancaster County Public Services Division to post appropriate signage prohibiting through truck traffic on Waxhaw Village Road between Charlotte Highway and Old Hickory Road.

Section 3. Effective date.

This Resolution is effective upon its adoption.

AND IT IS SO RESOLVED this 26th day of August, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1060-R2019
Contact Person / Sponsor: Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Adoption of the updated Classification and Compensation Plan.

Points to Consider:

This Resolution receives the consultant's report and adopts the proposed Classification and Compensation Plan with certain modifications.

1. Section 4.1 of the report is recognized as recommendations only and is not adopted as policy of Lancaster County.
2. Certain positions were moved in grade at the recommendation of the Administration Committee.
3. We recognize that funding is not currently available to move all employees at this time to the proposed new minimum salary amounts.
4. For those employees below their new proposed minimum a 3% increase, or a lesser amount to reach the minimum, is authorized.
5. Those employees covered by the Lancaster County Sheriff's Office Career Ladder Program, which is funded by Council separately, are subject to that program rather than sections 2 through 4 above.

Funding and Liability Factors:

Funding for the 3% increase for applicable employees - \$209,100.

Amount funded for the Sheriff's Office Career Ladder Program - \$301,315. This amount is inclusive of an additional \$74,400 in recurring funds that were appropriated by Council in the annual budget. These funds will be handled by the Sheriff under the Career Ladder rather than as a component of the C&C Plan.

Council Options:

Approve or reject the Resolution.

Recommendation:

Staff respectfully recommends approval.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1060-R2019	8/21/2019	Resolution

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

RESOLUTION NO.: 1060-R2019

A RESOLUTION

**TO ADOPT, AS MODIFIED, THE RECOMMENDATIONS OF THE MGT
CONSULTING GROUP REGARDING A CLASSIFICATION AND COMPENSATION
PLAN FOR LANCASTER COUNTY.**

WHEREAS, pursuant to Lancaster County Code, Section 2-134, a plan of position classification and compensation, and amendments thereto as the need arises, shall be recommended by the County Administrator and adopted by resolution of County Council; and

WHEREAS, the County Administrator and the Administration Committee recommend the adoption of the MGT Consulting Group Classification and Compensation Plan for Lancaster County, incorporated herein by reference, with certain amendments and conditions as follows:

1. Section 4.1 entitled “Standard Salary Maintenance Practices” are recognized as recommendations from the consultant and are not adopted as policy statements of Lancaster County.
2. The proposed Pay Grades (“Pay Grades” are defined as set forth Appendix G, “Grade Order List Report” contained in the Classification and Compensation Plan) are modified as recommended by the Administration Committee as follows:
 - a. Human Resources Director from grade 27 to grade 25
 - b. Planning Director from grade 24 to grade 25
 - c. EMS Director from grade 23 to grade 25
 - d. Fire Rescue/ Emergency Management Director from grade 23 to grade 25
 - e. EMS Operations Manager from grade 19 to grade 22

Modification of proposed Pay Grades is recommended to more closely align the Pay Grades of Lancaster County with the Pay Grades of other counties of similar size.

3. The proposed Pay Schedules are recognized as compensation goals that Lancaster County may implement over time as it finds advisable. Fiscal responsibility and budgetary constraints make the minimum amounts set forth in the Pay Schedules unachievable for all employees at this time.
4. A pay raise equaling three (3) percent of the employee's salary as of September 1, 2019 or a pay raise in the amount needed to bring an employee to their minimum salary within their Pay Grade, whichever amount is the lesser amount, is adopted for those employees that have not reached the minimum salary for their assigned Pay Grade. No other pay raises are adopted at this time. Future pay raises are not guaranteed and no employee is entitled to any pay raise at any time by virtue of adoption of the Classification and Compensation Plan.
5. For sworn law enforcement and correctional officers covered by the Lancaster County Sheriff's Office Career Ladder Program ("Career Ladder Employees") a lump sum of funds will be provided to the Sheriff to fund the Lancaster County Sheriff's Office Career Ladder Program. The lump sum shall be calculated as the equivalent of a three (3) percent raise of each Career Ladder Employee's salary as of September 1, 2019, or a raise in the amount needed to bring the Career Ladder Employee to the minimum salary within their Pay Grade, whichever sum is less. Career Ladder Employees are under the control of the Sheriff and County Council's method of calculation for the lump sum provided to the Sheriff is not a representation or guarantee that any of the Career Ladder Employees will be entitled to a pay raise at any time.
6. The Classification and Compensation Plan does not apply to those sworn law enforcement and correctional officers covered by the Lancaster County Sheriff's Office Career Ladder Program. The Lancaster County Sheriff's Office Career Ladder Program is funded by Council but is administered by the Sheriff.

WHEREAS, future funding towards the Classification and Compensation Plan, including the Lancaster County Sheriff's Office Career Ladder Program, is subject to appropriations as may be made in the Annual Budget as adopted by County Council.

THEREFORE, BE IT RESOLVED, that the Classification and Compensation Plan, with amendments and conditions as noted above, is adopted.

AND IT IS SO RESOLVED

Dated this 26th day of August, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1601

Contact Person / Sponsor: Katie See/Planning

Department: Planning

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

This is a request to amend UDO Chapter 6.11, Street Names and House Numbers and Chapter 6.12, Uniform Addressing and Numbering. These sections establish the policies for ensuring a uniform process for assigning property address numbers.

Points to Consider:

This text amendment proposes two parts:

Part 1: Adding clarity to the process when a 911 Address Permit is issued.

Part 2: Adding additional suffixes and definitions for road names in order to more accurately reflect the suffixes already in use.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny this proposed text amendment.

Recommendation:

Planning Commission voted unanimously to recommend approval of this request at their July 16, 2019 meeting.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1601	8/20/2019	Ordinance
Staff Report	7/30/2019	Planning Staff Report
Ex 1: Proposed Text Change	7/30/2019	Exhibit
Ex 2: Application	7/30/2019	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2019-1601

COUNTY OF LANCASTER

(

(

AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”), CHAPTER 6.11, STREET NAMES AND HOUSE NUMBERS AND CHAPTER 6.12, UNIFORM ADDRESSING AND NUMBERING.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Lancaster County E-911 Addressing made application for text amendment of the Unified Development Ordinance (“UDO”) Chapter 6.11, Street Names and House Numbers and Chapter 6.12, Uniform Addressing and Numbering to add clarity to the process by which 911 Address Permits are issued and to add additional suffixes and definitions for road names in order to more accurately reflect suffixes that are already in use.
- (b) The requested amendments will help ensure that approved road names and addresses are placed on the County map in a timely manner to increase the efficiency of response times for first responders.
- (c) The requested amendments will ensure that the UDO includes suffixes and definitions for street types already in use throughout the County. The addition of more suffixes will provide the 911 database coordinator more options for naming streets and will make the UDO more consistent with industry definitions of the various street name suffixes.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 6.11, Street Names and House Numbers and Chapter 6.12, Uniform Addressing and Numbering is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

* * *

6.11.3 ROAD NAME STANDARDS

A. The following shall specify the designation of road names. The road related definitions listed below shall apply to the development of street names, house or building numbers, and other addressing purposes.

1. Any road in excess of 1,000 feet in length shall be designated as: either "road," "street," "avenue" or "drive." The acceptable abbreviations for these suffixes are "Rd.," "St.," "Ave.," and "Dr."
 - a. Avenue (Ave): Avenues are often broad streets or roads; usually running perpendicular to streets. They serve as connectors between neighborhoods and area centers. As such, they are used both in residential and commercial areas. Avenues may also circulate around squares or neighborhood parks.
 - b. Boulevard (Blvd): A broad, often landscaped, thoroughfare; usually a main artery. A median is usually in the middle. They provide multi-lane access to commercial and mixed-use developments and carry regional traffic throughout the County.
 - c. Circle (Cir): A curving side street; usually a small residential street whose shape is circular.
 - d. Drive (Dr): A long, winding road that has its route shaped by its environment, like a nearby lake or mountain.
 - e. Highway (Hwy): A public way; a main direct road that joins cities or towns together.
 - f. Road (Rd): A thoroughfare that runs in any direction.
 - g. Street (St): A thoroughfare, especially in a city, town, or village, which is wider than an alley or lane and usually includes sidewalks. Usually runs perpendicular to avenues.
2. Any road less than 1,000 feet in length or any road that is cul-de-sac or any road that begins and ends on the same road shall be designated as: "court," "way," "place," "terrace" or "lane." The acceptable abbreviations for these are "Ct.," "Way," "Pl.," "Ter.," and "Ln."
 - a. Alley (Aly): A narrow street; a thoroughfare through the middle of a block giving access to the rear of lots or buildings which are intended to provide indirect, limited access, but not accommodate through traffic. Utilities, either above ground or underground, and services such as garages, service doors, dumpsters, etc. may be located in alleyways to provide service connections to rear elevations.
 - b. Court (Ct): A wide alley with only one opening onto a street; a road or street that ends in a circle or loop usually referred to as a cul-de-sac.
 - c. Lane (Ln): Lanes are small traveled ways intended to provide direct access to the front of a limited number of single-family structures. Lanes are limited in the number of lots served. Generally, they are very short; often less than 400 feet. Items including, but not limited to, traffic carrying capacity, topography and connectivity, shall be a consideration when permitting a lane in lieu of a street.
 - d. Place (Pl): A small street or court; usually a small residential street or a narrow street in a commercial district.
 - e. Terrace (Ter): A type of shorter, narrower road that follows the top of a slope.

- f. Trail (Trl): A winding thoroughfare.
- g. Way (Wy): A small side street off of a road.

* * *

6.12 UNIFORM ADDRESSING AND NUMBERING

* * *

6.12.2 ASSIGNMENT OF NUMBERS

- C. All numbers shall be assigned by the Administrator on the basis of two 2 numbers for every ~~25~~ five feet of frontage along the street.

* * *

- A. A 911 Address Permit must be completed for single point addresses or projects that are not reviewed by the Technical Review Committee. The following ~~permitting process must be followed and paperwork documentation~~ must be obtained and available to the 911 addressing coordinator before a 911 address can be issued. ~~The following permitting process is required prior to the 911 address being issued:~~

1. Recorded plat and deed-
2. Zoning application-
3. Zoning permit-
4. Septic tank permit-
5. 911 addressing permit-

- B. Submitted plans that have been through the Technical Review Committee may be addressed upon approval, no 911 Address Permit is needed. The following items must be received in Addressing:

1. Approved plat or plans
2. Approval letter from Lancaster County Planning
3. CAD file, in State Plain, from Developer or Contractor

* * *

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 _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	August 26, 2019
Second Reading:	September 9, 2019
Public Hearing:	September 9, 2019
Third Reading:	September 23, 2019

Proposal: To clarify when a 911 address permit is issued.

Applicable Chapter(s): Chapter 6, Sections 11 and 12

Applicant: Lancaster County

Project Summary & Proposal

Chapter 6, Sections 11 and 12 of the UDO establishes the policy to ensure a uniform process for assigning property address numbers. This includes how addresses are assigned, including the distance between structures, and where to locate numbers on structures. This proposed amendment was requested by the E-911 Addressing Department and was written in direct coordination with their staff.

This text amendment proposes two parts (See Exhibit 1):

Part 1: Adding clarity to the process when a 911 Address Permit is issued.

Part 2: Adding additional suffixes and definitions for road names in order to more accurately reflect the suffixes already in use.

Outline of Text Amendment

The following chapter(s) of the UDO have been amended or created:

- *Chapter 6, Sections 11 and 12:* Clarification has been added to determine when 911 Address Permit is issued. Additional road name suffixes and definitions will more accurately reflect suffixes already in use throughout the County.

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 Exhibit 2.

Findings and Conclusions

Part 1: Adding Clarity to Issuing Addresses

Adding clarity to when a 911 address is issued will ensure that approved road names and addresses are placed on the County map in a timely manner in order to ensure efficient response time for first responders.

Part 2: Additional Street Name Suffixes and Definitions

The current UDO does not include some street name suffixes that are already in use throughout the County. Adding more suffixes (i.e. boulevard, lane, alley, etc.) will give the 911 database coordinator more options for naming streets. It will also result in making the UDO consistent with industry street name suffixes.

Planning Staff Recommendation

Staff recommends **Approval** of the request.

Exhibits

1. Application
2. Proposed Text Amendment

Staff Contact

Katie See, Senior Planner

ksee@lanastercountysc.net

803-285-6005

* * *

6.11.3 ROAD NAME STANDARDS

A. The following shall specify the designation of road names. The road related definitions listed below shall apply to the development of street names, house or building numbers, and other addressing purposes.

1. Any road in excess of 1,000 feet in length shall be designated as: ~~either "road," "street," "avenue" or "drive." The acceptable abbreviations for these suffixes are "Rd.," "St.," "Ave.," and "Dr."~~
 - a. Avenue (Ave): Avenues are often broad streets or roads; usually running perpendicular to streets. They serve as connectors between neighborhoods and area centers. As such, they are used both in residential and commercial areas. Avenues may also circulate around squares or neighborhood parks.
 - b. Boulevard (Blvd): A broad, often landscaped, thoroughfare; usually a main artery. A median is usually in the middle. They provide multi-lane access to commercial and mixed-use developments and carry regional traffic throughout the County.
 - c. Circle (Cir): A curving side street; usually a small residential street whose shape is circular.
 - d. Drive (Dr): A long, winding road that has its route shaped by its environment, like a nearby lake or mountain.
 - e. Highway (Hwy): A public way; a main direct road that joins cities or towns together.
 - f. Road (Rd): A thoroughfare that runs in any direction.
 - g. Street (St): A thoroughfare, especially in a city, town, or village, which is wider than an alley or lane and usually includes sidewalks. Usually runs perpendicular to avenues.
2. Any road less than 1,000 feet in length or any road that is cul-de-sac or any road that begins and ends on the same road shall be designated as: ~~"court," "way," "place," "terrace" or "lane." The acceptable abbreviations for these are "Ct.," "Way," "Pl.," "Ter." and "Ln."~~
 - a. Alley (Aly): A narrow street; a thoroughfare through the middle of a block giving access to the rear of lots or buildings which are intended to provide indirect, limited access, but not accommodate through traffic. Utilities, either above ground or underground, and services such as garages, service doors, dumpsters, etc. may be located in alleyways to provide service connections to rear elevations.
 - b. Court (Ct): A wide alley with only one opening onto a street; a road or street that ends in a circle or loop usually referred to as a cul-de-sac.
 - c. Lane (Ln): Lanes are small traveled ways intended to provide direct access to the front of a limited number of single-family structures. Lanes are limited in the number of lots served. Generally, they are very short; often less than 400 feet. Items including, but not limited to, traffic carrying capacity, topography and connectivity, shall be a consideration when permitting a lane in lieu of a street.

- d. Place (Pl): A small street or court; usually a small residential street or a narrow street in a commercial district.
- e. Terrace (Ter): A type of shorter, narrower road that follows the top of a slope.
- f. Trail (Trl): A winding thoroughfare.
- g. Way (Wy): A small side street off of a road.

* * *

6.12 UNIFORM ADDRESSING AND NUMBERING

* * *

6.12.2 ASSIGNMENT OF NUMBERS

- C. All numbers shall be assigned by the Administrator on the basis of two 2 numbers for every 25 five feet of frontage along the street.

* * *

- I. A 911 Address Permit must be completed for single point addresses or projects that are not reviewed by the Technical Review Committee. The following ~~permitting process must be followed and paperwork~~ documentation must be obtained and available to the 911 addressing coordinator before a 911 address can be issued. ~~The following permitting process is required prior to the 911 address being issued:~~

1. Recorded plat and deed-
2. Zoning application-
3. Zoning permit-
4. Septic tank permit-
5. 911 addressing permit-

- J. Submitted plans that have been through the Technical Review Committee may be addressed upon approval, no 911 Address Permit is needed. The following items must be received in Addressing:

1. Approved plat or plans
2. Approval letter from Lancaster County Planning
3. CAD file, in State Plain, from Developer or Contractor

* * *



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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 6.12.2 section I

Current Text I. The following permitting process must be followed and paperwork must be obtained and available to the 911 addressing coordinator before a 911 address can be issued.

The following permitting process is required prior to the 911 address being issued:

- | | |
|----------------------------|-----------------------|
| 1. Recorded plat and deed. | 2. Zoning application |
| 3. Zoning permit | 4. Septic tank permit |
| 5. 911 addressing permit | |

Proposed Text See attached

Description of Need for Proposed Text To clarify when a 911 Address Permit is needed.

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Sandra Burton, 911 Addresser

Address 1941 Pageland Hwy

City Lancaster State SC Zip 29720 Phone 803-416-9325

Fax 877-636-5284 Email addresser@lanc911.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.

Sandra Burton, 911 Addresser
Applicant

June 3, 2019
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 APP-19-004 Date Received 5-30-19 Receipt Number —

Amount Paid n/a Check Number — Cash Amount —

Received By JB Planning Commission Meeting Date 7-16-19

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.

- I. A 911 Address Permit must be completed for single point addresses or projects that are not reviewed by the Technical Review Committee. The following paperwork must be obtained and available to the 911 addressing coordinator before a 911 address can be issued. The following permitting process is required prior to the 911 address being issued:
 - 1. Recorded plat and deed
 - 2. Zoning application
 - 3. Zoning permit
 - 4. Septic tank permit
 - 5. 911 addressing permit

- J. Submitted plans that have been through the Technical Review Committee may be addressed upon approval, no 911 Address Permit is needed. The following items must be received in Addressing:
 - 1. Recorded/stamped plans
 - 2. Approval letter from Development Services/Zoning.
 - 3. CAD file, in State Plain, from the Developer/Contractor.

Section 6.12.2 Assignment of Numbers:

C. All numbers shall be assigned by the Administrator on the basis of 2 numbers for each **5 feet** of frontage along the street. **(With townhomes only being 20 feet wide, the current 25 feet gives duplicate numbers.)**

- I. A 911 Address Permit must be completed for single point addresses or projects that are not reviewed by the Technical Review Committee. The following paperwork must be obtained and available to the 911 addressing coordinator before a 911 address can be issued. The following permitting process is required prior to the 911 address being issued:
 - 1. Recorded plat and deed
 - 2. Zoning application
 - 3. Zoning permit
 - 4. Septic tank permit
 - 5. 911 addressing permit
- J. Submitted plans that have been through the Technical Review Committee may be addressed upon approval, no 911 Address Permit is needed. The following items must be received in Addressing:
 - 1. Recorded/stamped plans
 - 2. Approval letter from Development Services/Zoning.
 - 3. CAD file, in State Plain, from the Developer/Contractor.

Section 6.11.3 Road Name Standards

- A.** add: Boulevard "Blvd", Highway "Hwy", Circle "Cir",
- B.** add: Alley "Aly" and Trail "Trl"

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2019-1604
Contact Person / Sponsor: Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Establishment of an Advisory Board for the Animal Shelter.

Points to Consider:

The proposed advisory committee is modeled after the Economic Development Advisory Board.

The Board would have no operational or oversight responsibility for the Animal Shelter. That remains with the County staff and County Council.

Staff feels the Board would be a good resource to consider ideas that would enhance and improve our ability to have animals adopted and/ or rescued.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the ordinance.

Recommendation:

Staff and the I&R Committee recommend approval.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2019-1604	8/22/2019	Ordinance

STATE OF SOUTH CAROLINA)

ORDINANCE NO.: 2019-1604

COUNTY OF LANCASTER)

AN ORDINANCE

TO ESTABLISH AN ANIMAL SHELTER ADVISORY BOARD AND TO SET FORTH THE DUTIES AND RESPONSIBILITIES OF THOSE PERSONS AND ORGANIZATIONS ASSOCIATED THEREWITH.

WHEREAS, it has been determined and it is recommended to the full County Council that an Advisory Board should be established and comprised of various persons and organizations of high integrity and community involvement and, importantly, those who are willing to volunteer their skills and experiences in advising the Lancaster County Animal Shelter in accomplishing its goals of improving care and outcomes for sheltered animals; and

WHEREAS, it appearing to the satisfaction of Council that a departmental Advisory Board is a suitable organizational structure by which to accomplish the aforesaid goal;

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

Section 1. The Lancaster County Animal Shelter Advisory Board hereby is established;

Section 2. Board membership shall be comprised of at least one (1) representative from each of the following five (5) categories:

- 1) A local Veterinarian or Veterinary service representative
- 2) An animal care, animal food, or animal products industry representative
- 3) A representative from an animal rescue organization
- 4) An animal owner (canine) – hunting or working dogs
- 5) An animal owner (feline)

Section 3. All Board members must be appointed by County Council. Members serve at the will of Council and shall serve for four (4) year terms; provided that initially two members shall be appointed for two (2) year terms and three members shall be appointed for four (4) year terms. No individual representative shall serve for more than one consecutive term.

Section 4. The Board shall meet at the call of the Animal Shelter Director, but in no event shall the meetings be scheduled less than once every four (4) months. All meetings shall be public meetings and shall comply fully with the South Carolina's Freedom of Information statutes.

Section 5. The Board's responsibilities shall be to study, discuss, and make recommendations to the Animal Shelter Director and Public Services Division Director, and subsequently the County Administrator, on issues related to animal care ordinances, potential improvements to the Animal Shelter, and on fostering cooperation with the Animal Rescue community to further the goals of improving care and outcomes for sheltered animals.

The Board's responsibilities do not include the disposition of individual animal case nor are Board members expected to promote or to participate in fund raising activities.

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 thereby.

Section 7. Effective Date. This ordinance is effective upon Third Reading.

(The remainder of this page is intentionally blank)

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

First Reading: August 26, 2019
Second Reading: September 9, 2019
Third Reading: September 23, 2019

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration and Sheriff Barry Faile

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

To receive public comments and for Council to approve the 2019 JAG grant.

Points to Consider:

This is an annual formulaic grant awarded by the US Department of Justice.

We must provide for public comment during a County Council meeting. This is the same process as prior years. It is not a formal public hearing but the meeting minutes must reflect that the Chair opened the floor for comments from the public during the discussion of this item. The grant proceeds will be used to acquire a Universal Forensic Extraction Device (UFED). The UFED will enable investigators to capture insights in today's complex, digital world. The digital intelligence platform will provide a complete and objective picture of evidence, empowering investigators to solve and close cases faster than ever.

Funding and Liability Factors:

The JAG Grant amount is \$18,751. A balance of \$300 will come from the Sheriff's Office budget.

Council Options:

This is a discretionary grant for the Sheriff but we normally have Council go on the record by motion approving the grant expenditure. This way we have both the public comment period and Council concurrence in the meeting minutes for submission to DOJ.

Recommendation:

Conduct the public comment period and approve the JAG grant.

ATTACHMENTS:

Description	Upload Date	Type
Program Narrative	8/19/2019	Backup Material
2019 JAG Budget	8/19/2019	Backup Material

THE PROBLEM:

Lancaster County is facing cases that need digital forensics to proceed with cases and without proper manpower to handle those cases or follow up investigations, we are falling further and further behind and not prosecuting cases because we lack the "hard" evidence to process those cases.

Lancaster County Sheriff's Office resources are stretched thin. With the manpower we have, the Sheriff's Office has done an excellent job solving crimes as they occur, however, with the limited resources, the Sheriff's Office has had to use numerous man hours on the investigations of violent crimes and some of our other cases had to be placed on the back burner until the investigations unit could cut an investigator loose to work other cases or they have been assigned back to the patrol officer for follow up.

According to investigations, on a cut and dry murder (where the suspect is known, but witness statements still have to be taken) the Investigator will spend approximately 50-75 hours on the case. This does not include all the other Investigators that may assist; this is for the lead investigator only. In a more detailed murder case where you have a victim, but no suspect; two Investigators are usually assigned to these cases and they can log over 500 hours on the case and this does not include the man hours for any other support staff that may be assisting. Again, while these hours accumulate for Investigators from a murder scene, the domestics, burglary, larceny, assault and battery, vandalism, sex crime cases and etc. continue to come in.

Crime does not stop just because of a murder or another violent crime; cases still come in at a steady pace. From a leadership perspective, this is not something you want to see continue.

Being able to have a piece of equipment to help with some of the investigations would be a huge help to our investigative section. It goes without saying at this time, everyone leaves a digital footprint somewhere, be it on a phone or computer. That is why this is such an urgent piece of equipment that we need.

Collecting Data:

We will keep a detailed list of every time the equipment is used that will refer to the type of case, the outcome of the data extracted either useable or non-useable and the overall perspective of how the investigators view the equipment and its usefulness.

Equipment Request:

Forensics Software for Phones: Software used to advance the case and find new investigative paths faster by accessing and analyzing the intelligence within digital data on phones.

2019 JAG BUDGET

Universal Forensic Extraction Device (UFED)	\$18,751
---	----------

The UFED will enable investigators to capture insights in today's complex, digital world. The digital intelligence platform will provide a complete and objective picture of evidence, empowering investigators to solve and close cases faster than ever.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration and Hal Hiott/Director of Parks and Recreation

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Acceptance of 2019 Parks and Recreation Development Fund (PARD) grant.

Points to Consider:

This is a grant using state funds awarded by the Delegation and SC Parks, Recreation, and Tourism.

The proposal for 2019 is to replace fencing at Springdale Park and to acquire shade structures for Springdale Park.

Funding and Liability Factors:

This is an 80% grant/ 20% local match. The match would come from the Grant Match account.

Grant funding - \$19,598.00

Local match - \$4,899.50

Total project - \$24,497.50

Council Options:

Approve accepting the grant or decline the grant. A motion to accept the grant will be needed.

Recommendation:

Staff and the I&R Committee recommend accepting the grant.

ATTACHMENTS:

Description	Upload Date	Type
2019 PARD Grant Form	8/16/2019	Exhibit



South Carolina Department of
Parks, Recreation & Tourism

Henry McMaster
Governor

Duane N. Parrish
Director

August 12, 2019

Mr. Hal Hiott
Lancaster County Parks & Recreation
PO Box 243
Lancaster, SC 29720

Dear Mr. ^{Hal}Hiott:

The Department of Parks, Recreation, and Tourism wishes to extend congratulations on the approval of the following project(s) under the Park and Recreation Development Fund:

2020014 Springdale Complex Upgrade-Shade Sturcture & Fence

Upon return of the signed agreement you may proceed with your project. Please reference the agreement document for dates when construction and bills are to be complete.

Enclosed you will find copies of the project agreement(s). Please review the document carefully, sign and return one copy to this office. Please feel free to call should you have any questions.

Sincerely

Alesha Cushman
Grants Coordinator

**STATE OF SOUTH CAROLINA
DEPARTMENT OF PARKS, RECREATION AND TOURISM
PARK AND RECREATION DEVELOPMENT FUND
PROJECT AGREEMENT**

PROJECT NUMBER: 2020014

PROJECT NAME: Springdale Complex Upgrade-Shade Sturcture & Fence

PROJECT SPONSOR: Lancaster County Parks & Recreation

PERIOD COVERED BY THIS AGREEMENT: August 12, 2019 to August 12, 2039

PROJECT SCOPE (Describe in detail in the project file, but is summarized as follows):
Install to new fencing to extend foul lines and purchase and install shade structures.

BILLING PERIOD

The project sponsor must submit billing for at least the amount indicated within the designated period(s):

\$24,497.50 By August 12, 2022

PROJECT COST

State Share	\$19,598.00
Local Share	\$4,899.50
Total Cost	\$24,497.50

The State of South Carolina, represented by the Department of Parks, Recreation, and Tourism, (hereinafter referred to as PRT), and The Project Sponsor, mutually agree to perform this agreement in accordance with the guidelines established by PRT, and with the terms, promises, maps, and assurances attached hereto and made part of this agreement.

The State of South Carolina promises to obligate the amount of money referred to herein. The Project sponsor promises to execute the project above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties involved:

- 1) The Project Sponsor agrees to operate the above described facilities in a nondiscriminatory manner with regards to race, color, creed, national origin, or handicap such that the general public is not prohibited except possibly during night hours when it might be deemed unsafe for use.
- 2) The Project Sponsor agrees to operate and maintain the above described facilities in a safe and useable manner for their intended purposes throughout the agreement period.
- 3) The Project Sponsor agrees to erect and maintain throughout the agreement period, a sign which credits the State and The Parks and Recreation Development Fund for assisting in the project.
- 4) In the event that any portion of this agreement applied to leased property, the Project Sponsor must provide PRT with an adequate lease to the subject property prior to the first billing request. And, if the lease is terminated for any reason prior to the expiration date of this agreement, the Project Sponsor agrees to relocate any improvements developed under this agreement to another site which would be open for public use. Any and all expenses for real estate, relocation and/or other expenses will be borne by the project sponsor.

The State of South Carolina

By

Department of Parks,
Recreation and Tourism

Date: 12-Aug-2019

Project Sponsor

By

Title:

Date:

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

This is just the application for the Community Development Block Grant (CDBG), not an award that requires Council action. If Council desires that we stop work on this we need to know prior to an award.

Points to Consider:

This CDBG would help fund work at the Lancaster County Human Services Building on Pageland highway.

This is work that is anticipated once the Health Department relocates to the Barnette Building and we expand space to house DSS and hopefully the Medicaid Office. I would stress the Medicaid Office relocation is still very speculative at this point.

As shown in the application, the work is all structural on the building.

NOTE: Some additional work, at our cost, will be needed for non-allowable CDBG expenses. The main item is the parking lot, which does not meet current ADA standards and is in poor shape.

Funding and Liability Factors:

The CDBG, if awarded would be \$500,000. That requires a local match of \$50,000. In addition, another \$506,000 would be needed to complete the project. The project total is \$1,056,000.

Details on shown on page 4 of the application.

Some funding reimbursement is usually available from DSS but that has not been finalized at this point. Traditionally it has been in the 60% range.

Council Options:

At this time we simply want to make sure that Council is OK with proceeding with the grant application.

Recommendation:

Pursue the CDBG grant.

ATTACHMENTS:

Description	Upload Date	Type
CDBG Application Form	8/16/2019	Exhibit

Community Development Block Grant
Community Development Program Application Request

2/2016

Locality requesting application: Lancaster County

Briefly describe the proposed project (address need and impact), including how CDBG funds will be used:

Currently, the Lancaster County Department of Social Services shares a building located at 1837 Pageland Highway with the Lancaster County Health Department. The DSS portion of the building is not large enough for existing staff nor will be able to accommodate planned enlargement of the personnel to handle the increased number of clients. There are also safety and ADA non-compliance issues and no space for private meetings or filing of confidential materials. The Health Department will be moving to another facility, which will enable the DSS to use the entire building. Renovations are needed to make the building adequate for the DSS operations and bring the building up to ADA, safety and other building codes.

Identify location of activities, including the local government jurisdiction and service area of beneficiaries.

☐ Project or significant # of beneficiaries located outside applicant's jurisdiction. May require an intergovernmental agreement and joint application.

The DSS Building is located at 1837 Pageland Highway, outside the western boundary of the City of Lancaster. The Lancaster County Department of Social Services serves all residents of Lancaster County.

Identify Program Category:

☐ Community Infrastructure ☒ Community Enrichment ☐ *Neighborhood Revitalization ☐ Ready to Go
☐ Special Projects *Neighborhood Revitalization applications require a neighborhood plan (see Application Guidelines for details)

List any CDBG projects that are not programmatically closed:

Brooklyn Avenue Neighborhood Demolition Project (CDBG #4-CE-18-004)

CDBG Funds Requested: \$500,000

10 % Match: \$50,000

Other Funds Required: \$506,000

Total Project Cost: \$1,056,000

National Objective:

Total # Proposed Beneficiaries: 15,061

☒ LMI* ☐ Slum & Blight ☐ Urgent Need

*Est. Nbr. & % LMI Beneficiaries: 13,459 (89%)

Source: ☒ Survey ☐ Census

List Other Sources of Funding: Lancaster County

Attach: ☒ Project map with jurisdictional boundaries and service area ☒ Cost estimate or preliminary engineering report

Attach requests and rationale for waivers of: ☐ Maximum Grant Amount ☐ Match ☐ Threshold

Send application: ☐ Forms ☒ Email to: grhea@catawbacog.org

Contact Name: Grazier Rhea, Catawba Regional COG Telephone: 803-327-9041

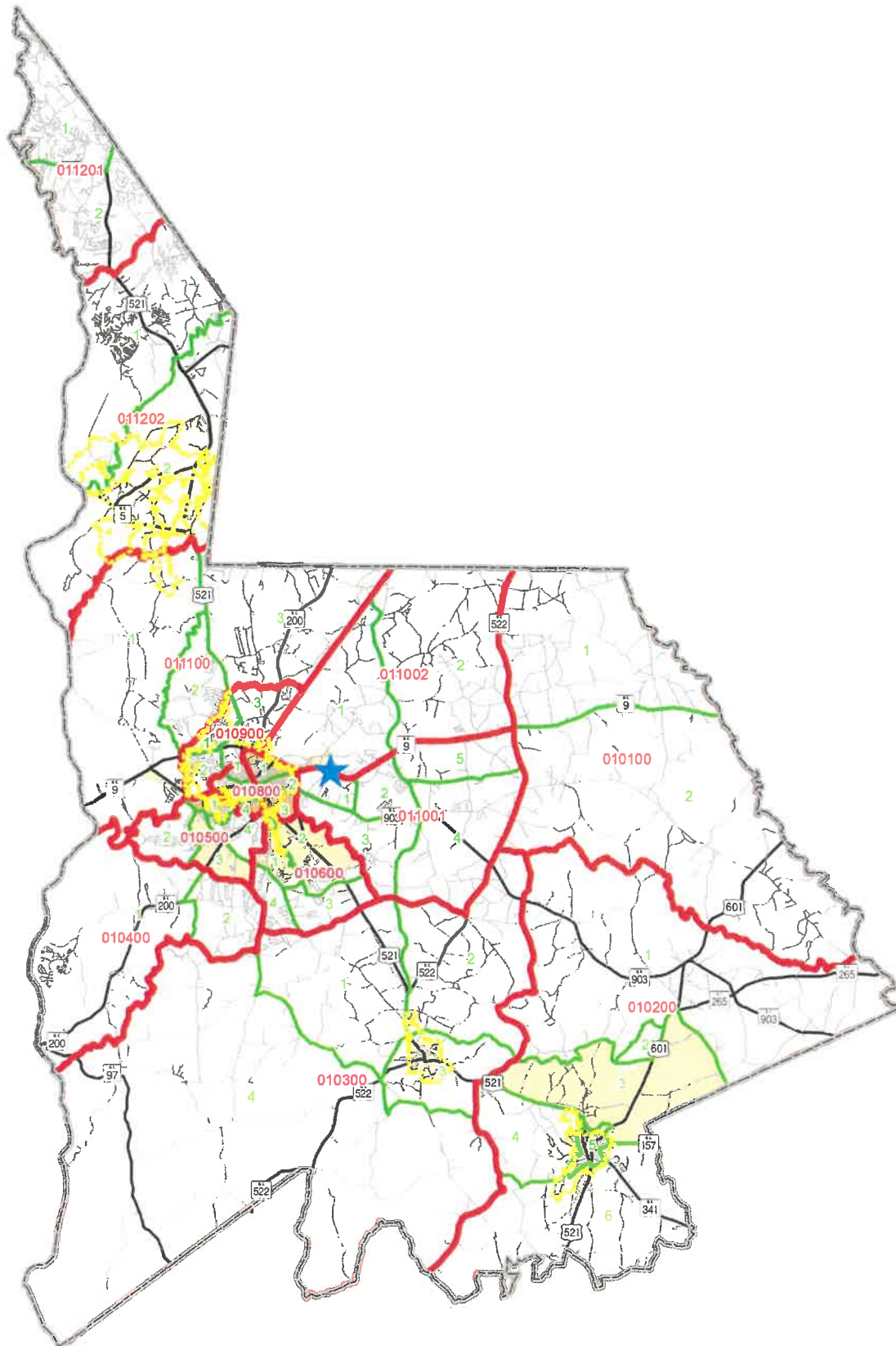
Address: P.O. Box 450
Rock Hill, SC 29731

Steve Willis, Lancaster County Administrator

Name / Title of Chief Elected / Administrative Official

 8-13-19
Signature and Date

Complete and mail to:
SC Department of Commerce, Grants Administration
1201 Main Street, Suite 1600, Columbia, SC 29201



Lancaster County 2019 DSS Building Renovation Project

General Location Map, August 2019

★ DSS Location

■ Municipal Boundaries

■ Tracts

■ Blockgroups

■ County Boundary

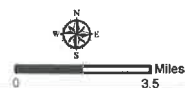
■ LMI

■ LMI + Minority

■ Minority

— Major Road

— Minor Road



Catawba Regional Council of Governments
215 Hampton Street / P.O. Box 450 Rock Hill, SC 29731
phone 803.327.8040 fax 803.327.1912
croc@catawbacog.org www.catawbacog.org

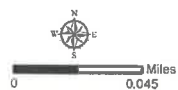
Catawba Regional COG disclaims any liability for damages that may arise from the use of this map or data. All efforts have been made to ensure accuracy.



Lancaster County 2019 DSS Building Renovation Project

Project Location Map, August 2019

- ★ Project Location
- Tracts
- Blockgroups
- Major Road
- Minor Road



Catawba Regional Council of Governments
215 Hampton Street / P.O. Box 450 Rock Hill, SC 29731
phone 803.327.9041 fax 803.327.1912
crog@catawbacog.org www.catawbacog.org

Catawba Regional COG disclaims any liability for damages that may arise from the use of this map or data. All efforts have been made to ensure accuracy.

Proposed Renovations to DSS/Medicaid Offices

For Lancaster County

Preliminary Cost Estimate

1) Restrooms to ADA Standards and expand employee restrooms	\$ 28,000
2) Remove walls to make office space, Add walls/remove doors, add doors, and rework customer counters and lobby	\$ 76,000
3) Add sink and refrigerator hook up for breakroom, add laundry facilities And shower	\$ 22,000
4) Replace HVAC units	\$425,000
a. 2- 25 ton units	
b. 4- 10 ton units	
5) Replace roof with TPO	\$260,000
6) Replace/repair flooring throughout building	\$ 84,000
7) Paint throughout building	<u>\$ 43,000</u>
 Construction Total	 \$938,000
 Engineering & Architecture	 \$ 68,000
Administrative Fees	<u>\$ 50,000</u>
 Grand Total	 \$1,056,000

Notes:

1. Most of the cost for the roof is to remove the old roof down to tar and gravel.
2. All HVAC units are over 10 years old and are approaching end of life.
3. Existing plumbing will be used as much as possible to reduce costs.



Proposed Renovations to DSS/Medicaid Offices

- 1) Restrooms to ADA Standards
- 2) Expand employee restrooms
- 3) Remove walls to make office space
- 4) Add walls/remove doors
- 5) Add sink and refrigerator hook up for breakroom
- 6) Add Door
- 7) Network customer counters and lobby area
- 8) Replace HVAC units
- 9) Replace laundry facilities and shower
 - a. 2-25 ton units
 - b. 4-10 ton units
- 10) Replace roof with TPO
- 11) Replace/repair flooring throughout building
- 12) Paint throughout building

medallan
paulsen
smith
architects

LANCASTER COUNTY
LANCASTER COUNTY DSS BUILDING
LANCASTER, SOUTH CAROLINA

DATE: 08/20/2010
BY: JTB

PROJECT: EXISTING FLOOR
PLAN - COMBINED

A101c

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

The Government Finance Officers Association (GFOA) has notified the County that the County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended 2018 has qualified for the Certificate of Achievement for Excellence in Financial Reporting. The formal presentation of the Certificate and Award of Financial Reporting Achievement will be held during a later Council meeting.

Points to Consider:

The Government Finance Officers Association News Release is attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Council Options:

This item is for information only for Council and the public.

Recommendation:

This item is for information only for Council and the public.

ATTACHMENTS:

Description	Upload Date	Type
Government Finance Officers Association's News Release	8/19/2019	Backup Material



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

07/29/2019

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
E-mail: mlevine@gfoa.org

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **County of Lancaster** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association is a major professional association servicing the needs of over 20,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration and Darren Player/Director of Fire/Emergency Services

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

This is the 2019 LEMP grant to our Emergency Management Department.

This is a 100% grant that is formulaic and not a competitive grant. This is for information as no action by Council is required.

Points to Consider:

This year's funding will be utilized to acquire communications equipment for the Mobile Command Post. This would be used on scene for emergencies and also provides backup capability for the 911 Center.

Funding and Liability Factors:

The grant is in the amount of \$61,933.

Council Options:

N/A

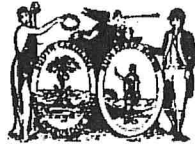
Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
LEMP Grant Letter	8/16/2019	Exhibit

The State of South Carolina
Military Department



OFFICE OF THE ADJUTANT GENERAL

R. Van McCarty
MAJOR GENERAL
THE ADJUTANT GENERAL

July 26, 2019

Dear County Emergency Manager,

REF: 2019 Local Emergency Management Performance Grant (LEMPG) Allocations

Congratulations! Based on your completed application, SCEMD has approved funding for your FY2019 LEMPG. Enclosed within LEMPG.Palmetto you will find a Grant Award allocating your portion of the FY2019 Local Emergency Management Performance Grant (LEMPG) for the twelve month performance period. Please **upload a copy** of the award document signed by your authorized county official (administrator/county manager) no later than August 30, 2019. Retain the original Award Document with your grant files.

The period of performance for the FY2019 LEMPG is July 1, 2019 to June 30, 2020. Progress and financial reports for this grant award are required quarterly in conjunction with the State Fiscal Year:

PERIOD DUE DATE

July 1, 2019 -- September 30, 2019	October 10, 2019
October 1, 2019 -- December 31, 2019	January 10, 2020
January 1, 2020-- March 31, 2020	April 10, 2020
April 1, 2020-- June 30, 2020	July 10, 2020

Funds must be used for the designated categories identified and described within the approved grant application. In order to remain eligible for future LEMPGs, you must submit regular reports on the status of the Scope of Work (SOW). SOW progress reports should include the status of all objectives of the grant, detailing if any delays occurred with the estimated completion dates listed. Your SOW report should include a brief narrative outlining accomplishments and any shortfalls. Some SOW items require additional documents to be uploaded into LEMPG.Palmetto. Financial reports are to be submitted at the same time using the reimbursement form provided in the system. Reimbursements will not be processed until all programmatic work and comprehensive financial information has been received and reviewed for grant compliance. Invoices and proof of payment are required for each reimbursement item or service.

Grant extensions must be submitted prior to deadlines. Budget revisions may be processed during the period of performance but no unapproved purchases should be made until a budget revision has been approved. Final requests for revisions must be submitted no later than June 15, 2020.

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

Sincerely,

A handwritten signature in black ink that reads "Steven Batson".

Steven Batson
Chief of Staff

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

**SOUTH CAROLINA
EMERGENCY MANAGEMENT DIVISION
2779 Fish Hatchery Road
West Columbia, SC 29172-2024**

GRANT AWARD

SUBRECIPIENT: Lancaster County Emergency Management

DATE: July 26, 2019

GRANT PERIOD: 07/01/19 – 06/30/20

PROGRAM NAME: LEMPG

CFDA No.: 97.042

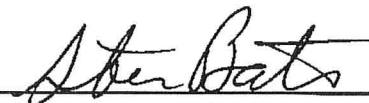
GRANT NO: 19EMPG01

TOTAL AWARD: \$61,933

The South Carolina Emergency Management Division, Office of the Adjutant General, under the Department of Homeland Security and South Carolina Law Enforcement Division Grant No. 19EMPG01, hereby awards to the aforementioned *SUBRECIPIENT* a federal award in the amount shown above. This amount is inclusive of the Lancaster County project award(s) as specified in the *FY-2019 Local Emergency Management Performance Grant* application. Additionally, this award includes the amount, if requested, for the CERT program. The CERT work and amount must also be included in the scope of work and budget worksheets. This grant award is subject to the terms and conditions set forth in the application.

The grant shall become effective as of the date of award and upon return of an original signed copy of this document by the *SUBRECIPIENT*'s designated official(s) to the South Carolina Emergency Management Division. This award must be accepted within thirty (45) days from the above date. It is agreed that quarterly progress, finance and other reports, as required by the South Carolina Emergency Management Division, must be submitted in accordance with the Terms and Conditions of the award.

The *SUBRECIPIENT*, hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements to **include equipment accountability** as set forth in 2 Code of Federal Regulations (CFR) 200, as they relate to the application acceptance and use of federal funds.



Steven Batson, Chief of Staff
South Carolina Emergency Management Division
Office of the Adjutant General

Acceptance for the *SUBRECIPIENT*:


County Administrator/Manager

Date: 8-12-19

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

The County received the following e-mail regarding services from Charter Communications:

Charter, locally known as Spectrum, is notifying you that effective on or around August 22, 2019, Charter will launch the Atlantic Coast Conference Network ("ACCN"). ACCN will launch in high definition on the channel Lineup serving your community.

ACCN is a new 24/7 national network dedicated to ACC sports. Customers will enjoy 24/7 coverage of ACC sports, 40 football games, 150 men's and women's basketball games, 250 Olympic sports events, and 1000 digital exclusive events on ACCN Extra. ACCN's first football game on August 29, 2019, features reigning national champion Clemson in their home opener against Georgia Tech.

To view a current channel lineup visit www.spectrum.com/channels.

Points to Consider:

This information is provided for information only. Please contact Charter Communications with any questions or concerns.

Funding and Liability Factors:

N/A

Council Options:

This item is for information only.

Recommendation:

This item is for information only.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis/Administration and Paul Moses/Airport Manager

Department: Administration

Date Requested to be on Agenda: 8/26/2019

Issue for Consideration:

Potential modifications to the large hangar formerly used for aircraft maintenance.

Points to Consider:

The owner of a dual engine King Air aircraft is interested in basing his plane at this hangar.

In order to do this the hangar will require structural modifications.

Until the engineers are satisfied that this can be done where the hangar remains structurally sound and that the plane can fit in the hangar, we are holding this item in abeyance. Until that time this is only a concept and not a formal proposal.

Funding and Liability Factors:

The Committees recommend that we allow this owner to make the modifications at his expense and reimburse him for documented expenses with waived hangar rental fees (\$1,000 per month for a maximum of 35 months).

The engineers must certify this can be safely done in order to avoid county liability.

Council Options:

N/A at this time. This will be reported to Council only at such time as the engineers will certify this can be done with the hangar remaining structurally sound.

Recommendation:

N/A at this time.