

Lancaster County Council Administration Committee

Thursday, October 15, 2015

**County Council Chambers
Council Administration Building
101 N. Main Street
Lancaster, SC 29720**

1. **Call to Order – Committee Chair Brian Carnes** **4:30 p.m.**
2. **Approval of the agenda** *[deletions and additions of non-substantive matters]*
3. **Minutes of the September 24, 2015 – pgs. 2-5**
4. **Citizens Comments**
5. **Discussion / Action Items**

Tree Tops Development Agreement – John Weaver, pgs. 6-10

6. **Executive Session**
 - a. Project Seating – SC Code §30-4-70(a)(2) – discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property
 - b. Project Seating – SC Code §30-4-70(a)(5) – discussion of matters relating to an economic development expansion.
7. **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 Administration Committee agendas are posted at the Lancaster County
Administration Building and are available on the Website: www.mylancaster.org**



Members of Lancaster County Council
Administration Committee

*Brian Carnes, District 7, Chairman
Bob Bundy, District 3
Charlene McGriff, District 2*

DRAFT

Minutes of the Lancaster County Council Administration Committee Meeting
101 N. Main Street, Lancaster, SC 29720

Thursday September 24, 2015 at 4:00 p.m.

Council Members present were Brian Carnes, Bob Bundy, and Charlene McGriff. Also present was Steve Willis, John Weaver, Kimberly Hill, Virginia Burgess, various Department Heads and spectators. A quorum of the Lancaster County Administration Committee was present for the meeting.

The following press was notified of the meeting by e-mail or by fax in accordance with the Freedom of Information Act: Lancaster News, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Approval of the agenda

Charlene McGriff made a MOTION to approve the agenda. SECONDED by Bob Bundy. Passed 3-0.

Minutes of the August 20, 2015 meeting

Bob Bundy made a MOTION to approve the minutes of the August 20, 2015 meeting. SECONDED by Charlene McGriff. Passed 3-0.

Citizens Comments

Waylon Wilson, 15117 Legend Oaks Court, Indian Land, SC, spoke regarding Ordinance 631.

Discussion / Action Items

Resolution 0890-R2015 – a Resolution approving the 2015 Assessment Roll for the Edenmoor Improvement District, Lancaster County, South Carolina.

Charlene McGriff made a MOTION to send Resolution 0890-R2015 to Council with a favorable recommendation. SECONDED by Bob Bundy. Passed 3-0.

Resolution 0893-R2015 – a Resolution approving the 2015 Assessment Roll for the Edgewater II Improvement District, Lancaster County, South Carolina.

Bob Bundy made a MOTION to send Resolution 0893-R2015 to Council with a favorable recommendation. SECONDED by Charlene McGriff. Passed 3-0.

Gillette Company conversion of title transfer Fee in Lieu of Taxes.

John Weaver, County Attorney, explained that Duracell is being sold to the Gillette Company. The Gillette Company is asking the County for two actions:

1. Convert the title transfer FILOT arrangement to a Simplified FILOT.
2. Approve the assignment of all Duracell FILOT arrangement to Duracell Manufacturing, Ind., in connection with the divestiture of Duracell to Berkshire Hathaway, Inc.

Charlene McGriff made a MOTION to send to Council with a favorable recommendation. SECONDED by Bob Bundy. Passed 3-0.

Sun City townhouse and condominium build out question – Ordinance 631.

John Weaver explained that the issue for consideration is whether or not it is the desire of this Committee and Lancaster County Council as a whole to pursue the issue of Pulte's decision not to build in Sun City Carolina Lakes the minimum number of town houses and condominiums agreed to in PDD-18 and approved in Ordinance 631, passed August 2, 2004.

Mr. Weaver stated that a concerned citizen, Waylon Wilson, has presented the current number of townhomes and condominiums, which is included in the agenda package. His findings show that all together there is a total deficit of 249 units.

Mr. Weaver explained there are three (3) options that Council can take:

1. Take no action and allow the completion of Sun City development according to the developer's present plan.
2. Initiate litigation for a claim for damages (taxes, etc.) incurred prospectively by the county because of Pulte's failure to comply with the PDD-18 requirements.
3. Amend Ordinance 631 to decrease the number of townhouses and condominiums consistent with the actual number of units constructed.

Bob Bundy made a MOTION to move forward to Council with a recommendation to adjust the numbers in the Development Agreement to reflect the current number of homes built. SECONDED by Charlene McGriff. Passed 3-0.

DRAFT

Nutramax Ordinance, Incentive, Fee and Infrastructure Agreements.

John Weaver, County Attorney, explained that Nutramax is enlarging their facility and are investing substantially more money. Council has already passed the Inducement Agreement and Ordinance 2015-1348. This Ordinance, in draft form, is the foundation for these new agreements to be incorporated.

Bob Bundy made a MOTION to send to Council with a favorable recommendation with an amendment to remove the Lancaster County Economic Development Corporation from the Ordinance. SECONDED by Charlene McGriff. Passed 3-0.

Sale of older EMS units to purchase a new unit.

Clay Catoe, EMS Director, explained that he wanted to sell some older EMS Units that are high maintenance issues and allow the funds to be used for a replacement ambulance. He stated that DHEC would be putting new regulations on the new ambulances after July 1, 2017. He said that it would be at our best interest to sale of these units before the new regulations come into effect. The plan would be to use the sell of these older units as partial funding and the rest of the funding is used out of the 2016-2017 budget.

Charlene McGriff made a MOTION to favorably recommend to Council the sale of the older EMS units to purchase a new unit. SECONDED by Bob Bundy. Passed 3-0.

Residency requirement for various department head positions.

Steve Willis, County Administrator, explained that this is a policy that would put a residency requirement on certain new department head employees. The change would be prospective in nature and current department heads that do no live in Lancaster County would be exempt.

Bob Bundy made a MOTION to favorably recommend to Council. SECONDED by Charlene McGriff. Passed 2-1. Brian Carnes opposed.

SCAC deductible.

Steve Willis, County Administrator, explained that there are two items to amend in the current budget. One being the insurance deductible for the EMS incident. Mr. Willis stated that our Cyber Security insurance has a deductible of \$100,000 and we have already reached that amount. He did go further to state that there is no report of data being compromised.

The other item is the EMS building that was damaged in the windstorm. The County will receive money from the insurance company but additional funds will be needed to upgrade the facility.

DRAFT

Bob Bundy made a MOTION to bring this to Council with a favorable recommendation.
SECONDED by Charlene McGriff. Passed 3-0.

Adjournment

Brian Carnes made a MOTION to adjourn. SECONDED by Charlene McGriff. Passed 3-0.

Respectfully Submitted:

Approved by the Administration Committee Chair

Debbie C. Hardin
Clerk to Council

Brian Carnes, Chairman

Agenda Item Summary

Ordinance # / Resolution#: 2014-1315
Contact Person / Sponsor: John Weaver 
Department: County Attorney
Date Requested to be on Agenda: October 15, 2015
Committee: Administration

Issue for Consideration: Whether or not it is appropriate to permit Lennar Carolinas, LLC a five (5) month extension (from December 15, 2015 until May 15, 2016) in which to pay to Lancaster County the **School Payment** and the **Funds for Public Safety** as required by Article IV of Ordinance 2014-1315 for the reasons cited in Lennar's letter accompanying this Summary.

Points to Consider: An amendment to the Development Agreement will require a 3 reading ordinance, anticipated to be on October 26, November 9 and November 23.

Funding and Liability Factors: N/A

Council Options: Approve or reject the extension request.

Recommendation: None.

LENNAR®

Lancaster County Administrator

101 North Main St.

P. O. Box 1809

Lancaster, SC 29721

Dear Mr. Willis,

I hope this letter finds you well!

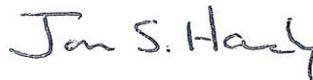
Per the Tree Tops Development Agreement, dated December 8, 2015 by and between Lennar Carolinas, LLC and the County of Lancaster, Lennar is to provide the following funding to Lancaster County and the Lancaster School District:

Lancaster County funds for Public Safety	\$ 835,000.00
Lancaster County School District	<u>\$ 417,500.00</u>
Total	\$ 1,252,500.00

This funding, under Article IV of the Development Agreement, is to be paid by December 15, 2015. By this letter I am requesting to delay payment from December 15, 2015 until May 15, 2016. The rationale for the requested timing change is that we were delayed in the closing of the property and are therefore behind in it's development. We expected to close in January 2015, and actually closed in June 2015 due to lengthy negotiations with LCWSD. This five (5) month delay in the purchase is the same that Lennar is requesting in the payment of the Public Safety and School Funds.

Your anticipated cooperation is appreciated and I look forward to answering any questions you may have.

With Warmth and Sincerity,



Jon S. Hardy

Cc: John Weaver

Melvin Branham

ARTICLE IV

DEDICATIONS AND FEES AND RELATED AGREEMENTS

Section 4.01. Purpose of Article. The Parties understand and agree that development of the Property imposes certain burdens and costs on the County, including those for certain services and infrastructure improvements. Eventually, *ad valorem* taxes collected from the property may meet or exceed the burdens and costs placed upon the County, but certain initial costs and capital expenditures are now required that are not to be funded by any increase in taxes paid by existing residents of the County. The purpose of this article is to identify the matters agreed upon to be provided by the Developer to mitigate such burdens and costs.

Section 4.01A. School Payment. Developer agrees to pay to the County for the benefit of the Lancaster County School District Four Hundred Seventeen Thousand Five Hundred and No/100 dollars (\$417,500.00) the earlier of either December 15, 2015 or the closing on the sale of any portion of the Preserve at Tree Tops development to an individual or entity other than a Lennar Related Entity (the “School Payment”). Developer acknowledges and agrees that County is responsible only for the remittance of the School Payment to the Lancaster County School District and that the County has no other obligation or responsibility for the School Payment. As used in this section, “Developer” means Lennar Carolinas, LLC, a Delaware limited liability company, and does not include its successors or assigns but does include a Lennar Related Entity that holds title to the Property.

Section 4.01B. Funds for Public Safety. Developer agrees to pay County Eight Hundred Thirty-Five Thousand and No/100 dollars (\$835,000.00) the earlier of either December 15, 2015 or the closing on the sale of any portion of the Preserve at Tree Tops development to an individual or entity other than a Lennar Related Entity (the “Public Safety Payment”). Upon receipt of the Public Safety Payment, the monies must be accounted for separate and distinct from other monies of the County. The Public Safety Payment must be used for non-recurring purposes for law enforcement, fire and emergency medical service in the panhandle area of the County. The determination of the specific uses for the Public Safety Payment is at the discretion of the County Council. As used in this section, “Developer” means Lennar Carolinas, LLC, a Delaware limited liability company, and does not include its successors or assigns but does include a Lennar Related Entity that holds title to the Property.

Section 4.01C. Public Safety or Fire District. (A) Developer and County agree to create a special tax district or fire protection district consisting of the Property (the “District”). The purpose of the District is to provide a method for paying for enhanced public safety services or fire protection services to the Development through the imposition of rates and charges, including but not limited to, uniform service charges, in the District.

(B) Developer and County agree that the approving ordinance for the District shall provide, among other things, that:

(1) Council shall annually provide for the imposition of a rate or charge within the District for the purpose of funding permanent improvements and capital expenditures, including