

WHO WE ARE SLIDE

As a grass-roots organization of residents who live in Indian Land and the panhandle, we are a large cross section of

life-long citizens and new transplants

veterans and educators

business owners,

Farmers and professionals,

blue and white collar workers,

young people and retirees.

After doing the research ourselves, we are against this effort to incorporate Indian Land. We are here to share our concerns about the incorporation proposal currently being put forward by VTIL (aka)TOIL.

We are proud of our community! Indian Land is already a great place to live, work and raise a family.

FARM SLIDE

When looking at the incorporation proposal that was put forward by TOIL in Columbia, one of the most worrisome issues is the size of the area TOIL plans to incorporate. It's 58 square miles. In the beginning, during meetings about their proposal, the residents in the Van Wyck community were very upset and stated publicly that they did not want to be included in this incorporation proposal. Farmers and rural land owners in the southern part of the panhandle also stated that they were totally uninterested in being incorporated and wanted to be removed from the boundaries that TOIL was proposing. TOIL refused to change their plan. As a defensive measure the community of Van Wyck incorporated a small 1.4 square mile area last year, and owners of farmland adjacent to that area are currently requesting annexation in order to be protected from becoming part of a greater Indian Land if this TOIL incorporation plan were to pass.

Tonight you are going to hear us talk a lot about state law, and the differences between areas of the state that are unincorporated and areas that have become incorporated. One of the key things to remember about this push to incorporate 40 sq miles of rural farmland is that state protections outlined in Title 46 - Agriculture, specifically in

Chapter 45 about protections against nuisance lawsuits related to agricultural operation, do not apply within municipal incorporated boundaries.

What does the loss of these protections mean for farmers? This encourages the conversion of farmland to urban developed land. This contradicts TOIL's claim that incorporating rural areas will control development. One of our handouts is a farmer's testimonial by Steve Hucks. I encourage you to take the time to read it and understand the impact that incorporation will have on our rural farmland. When Steve questioned one of the founding members of TOIL at a meeting about why they were doing this he was told, "Steve, we need your land for future growth."

Incorporation of such a large area, bigger than San Francisco, bigger than Boston, is a mistake with profound consequences. It will accelerate the development of rural farmland.

SCHOOL SLIDE

We all can agree that our schools are incredibly important to the future of our children and our families. Indian Land schools are controlled by the Lancaster County School District. Incorporation will not change that.

In March 2016 we had a countywide school bond for \$199 million. The bond passed, and out of that money Indian Land receives \$121 million for two brand new schools. The new elementary school is currently under construction with plans to open this fall, and the new high school plans have just been revealed, 142 acres is purchased and it's slated for opening in 2020. Both schools are south on 521. The land for the new high school is about a mile past Walnut Creek, on the left between Witherspoon Trail and Niven Road, directly across from the water tower. Another mile and a half south on the right you will see the brand new elementary school.

The entire county is paying for this bond, but Indian Land is receiving the lion's share, over 60% of the money, to build two new schools.

Lancaster County school District is increasing Indian Land's school capacity and taking action for our children's future. Incorporation will not change Indian Land schools.

LAW ENFORCEMENT SLIDE

All counties and municipalities in the state of South Carolina are governed by the South Carolina code of laws. Specifically Title 5, Chapter 1 outlines the process for incorporation.

It tells us that an area seeking to be incorporated must file a proposal providing, either directly or indirectly, a substantially similar level of law-enforcement to what the area currently has. Sheriff Faile, in a recent public meeting, talked about his budget. Out of the \$13.4 million budget, he allocates \$1.34 million to Indian Land. We have a substation and 20 deputies currently.

You can look at other incorporated towns in Lancaster County and see that Kershaw contracts with the sheriff's office for \$544,000 annually to cover their law enforcement. The City of Lancaster has its own police department with the latest annual budget of \$2.84 million which includes the courthouse. The Sheriff met with TOIL several times giving them his estimated Budget for what it would cost a Town of Indian Land annually for law enforcement. He showed almost \$2.9 million a year which included replacement costs due to the loss of state highway patrol. He also advised that he would need first year start

up for equipment and vehicle costs of \$1.8 million. Part of the reason that the annual costs are more than currently shown is that incorporated areas in South Carolina do not get state highway patrol which enforces traffic laws, promotes traffic safety and manages traffic collisions. State highway patrol only works within unincorporated areas. Despite being given this information, TOIL only budgeted \$1.2 million for law-enforcement.

If incorporation passes there will be new taxes to cover the cost of law enforcement in order to maintain the current level of coverage we have with the sheriff's department and state highway patrol. TOIL has drastically underestimated what that cost would be with a budget of \$1.2 million. The Sheriff's budget made it clear that at least \$2.9 million a year plus \$1.8 million in start-up costs would be needed. What Indian Land residents will actually get is law enforcement that costs more and requires more municipal property taxes, but your county property taxes will not go down.

NINE SERVICES SLIDE

Included in Title 5 is also this part of the statute. It lists the nine services that an incorporated town can chose to supply for its residents. The statute stipulates that the proposal for incorporation must include at least three of those services either directly or by contract that will be provided by the new town no later than the first day of the third fiscal year following the effective date of incorporation. The nine services are;

Fire protection

Solid waste collection and disposal

Water supply, water distribution or both

Wastewater collection and treatment

Storm water collection and disposal

Enforcement of building, housing, plumbing and electrical codes

Planning and zoning

Recreational facilities and programs
and street lighting.

This slide shows the nine services, and in blue highlights the four that TOIL presented and how much they budgeted for each of those services. Also included on the slide you can see how Indian Land currently receives every one of these services.

If incorporation were to pass, Indian Land would not receive any new services from their new municipal government, but they would be taxed for the same services that their county tax dollars currently supply. County taxes will not go down. This is a new layer of government, and new taxes, but no new services.

FIRE SERVICE

Indian Land and the panhandle have three fire departments. Indian Land and Pleasant Valley Fire Departments each have a \$90 Fire Fee for their Fire Districts and have paid daytime firefighters and beginning this year will have paid nighttime firefighters as well. They are supplemented with 45 volunteers who also respond to the over 1000 service calls that are expected at each department this year alone. Because of the Fire Fee ISO ratings on homeowners insurance have improved, saving money for Indian Land residents in their premiums.

Van Wyck Volunteer Fire Department does not have a Fire Fee. They are all volunteer and expect about 100 calls for service this year.

On top of your \$90 Fire Fee there is additional county funding to all fire departments in unincorporated areas of the county. There are currently 18 volunteer and 1 career fire departments that benefit from this funding. The county pays the utilities at all of the fire stations, fuel for apparatus, as well as insurance and maintenance of all apparatus. The County purchases all the fire apparatus, with ladder trucks, pumpers and heavy rescue vehicles ranging anywhere from a half million to 1.5 million in cost

each. They also supply Workmen's Comp. and life & accident insurance for all first responders.

If the panhandle were to incorporate, we believe that our three fire departments would become one large department. Some of the additional county funding would be at risk. TOIL budgeted \$1.5 million for Fire Service.

Indian Land and the panhandle enjoy excellent fire service currently funded through a fire fee and county tax dollars. Incorporation will tax residents and businesses additionally but will supply no new Fire services. Your county property taxes will not go down.

ROADS SLIDE

There is a bit of controversy about this topic. TOIL feels that the roads are owned either by the state or the county and that maintenance would remain unchanged as citizens of both incorporated and unincorporated areas pay annual taxes for this service. TOIL believes that future new roads could potentially be maintained by the town.

In November 2016 the South Carolina attorney generals office issued a seven page legal opinion on this matter. Their conclusion stated:

“Our opinion is that the municipality and not the county is responsible for the maintenance and repair of the roads located inside its corporate limits. We believe that County councils are only responsible for repairing roads which are in unincorporated areas of the county”.

TOIL did not budget for roads at all. There is no plan, although we do know that in the panhandle there are 100 paved and 22 unpaved miles of existing roads that have a potential for being turned over to the new municipality. That will require new municipal taxes to be assessed to either pay for a road department or contract for services from the county road department. Once again, your county property taxes will not go down, but you will be paying new taxes for a service you already receive.

JOINT LEGISLATIVE SLIDE

The following slide has an audio file from the Joint Legislative Committee. The speaker is Arthur Guerry, Columbia City Manager and Governor's Appointee to the Committee. He is addressing Matt McCusker and John Delfause of TOIL. The audio speaks for itself.

AIKEN SLIDE

We decided to take TOIL's proposed nonbinding budget of \$7.7 million dollars and compare it to the South Carolina City of Aiken. While TOIL proposes to incorporate 58 sq mi. Aiken is only 20 sq miles, but they do have a similar population. Aiken is a well-established municipality. One of the members of the joint legislative committee that heard TOIL's proposal was from the Aiken city government, and did encourage them to review Aiken's budget. Their entire annual budget is \$54 million, but in assessing the comparison, we did remove any services such as waste water treatment, water supply, street lighting, or solid waste collection from their budget. What we were left with is a \$24.8 million budget. We supply a handout for those who would like to study this comparison.

We believe TOIL's budget is grossly underestimated as compared to Aiken's. Their budget is a proposal, it is nonbinding, and if incorporation passes and a mayor and council are elected, the very first real and realistic budget will be crafted by that new town Council. We Believe, based on this comparison that it will be almost 3 times the proposed \$7.7 million budget when the dust settles.

SUN CITY SLIDE

Will Sun City Carolina Lakes become the New Cash Cow for a Town of Indian Land? How will Sun City and its residents be impacted from incorporation.

Sun City's annual budget for 5500 residents is \$7.6 million. It's almost funny when you compare it to TOIL's budget of \$7.7 million for 58 sq miles and 25,000 residents. Folks here already receive all of the services they need, not only from Sun City Carolina Lakes, but from Lancaster County. Police, Fire, EMS, Public Works, Community facilities, road maintenance, and more.

Sun City HOA fees range from \$2800 to \$3800 per household. On top of that residents here pay property taxes to Lancaster County just like everyone else. They pay school taxes just like everyone else. And just like everyone else, if incorporation passes we all STILL get to pay county property taxes and school taxes. That will not change!

What will change is we will ALL have a brand new layer of government with MORE property taxes and fees. But we will have ZERO new services....

Sun City included.

COUNTY COUNCIL SLIDE

The proposed INCORPORATION area has two County Districts. District 7 represented by Brian Carnes, elected in 2012 and District 1 represented by Terry Graham, elected in 2016. Their new leadership has helped Indian Land and been a part of the new focus on better development for our community.

With the upcoming 2020 US Census, Indian Land will gain at least one new district with an additional seat on the County Council, and a larger voice on matters WITHOUT a new layer of government and new municipal taxes. Even if Incorporation were to pass, it will be at least THREE YEARS before a new Town is up and running.

Brian Carnes talked with the public at the November Action Council meeting about the county councils' thoughts on the 2020 census and how to change the council makeup. He said there is serious consideration of when Indian Land gains a third Council person, that the fourth Council person will become an at-large council president. There will still be seven total, three from outside Indian Land, three within, and the seventh at-large.

This plan could help balance the county representation and concerns of Indian Land residents that feel they are not fairly represented.

COUNTY ZONING HISTORY

Prior to 1998 Lancaster County was so rural that there was no Zoning. Ever since I-485 was built and Johnston Road connected to Indian Land the need for Zoning became apparent. The County adopted Ordinance No 309 in 1998 and Ordinance No 328 in 1999 to provide zoning and land development regulations. Beginning in 2002 through 2008 there were approximately 16,000 housing units approved, 3200 of these were in Sun City. There are still several thousand of these units that have not been built.

That was a different time in Lancaster County. The county was reeling from the loss of its largest employer and unemployment was at 18%. The promise of growth, both from housing as well as commercial was looked at as a way to help the county recover. In 2008 the County was hit with the Recession and several developers went bankrupt. Several communities were left only partially built and would have to wait until the market improved a few years later before builders came in to continue these bankrupt neighborhoods.

In 2010, after the US Census, Indian Land was declared an Urbanized area. The current Panhandle population is estimated at 25,178.

In 2012 the County hired a Planner. Since 2012, the Council has approved less than 4,500 new housing units. For comparison, Fort Mill recently approved 2900 housing units in just one development.

In 2015, the County put in place the HWY 521 Corridor Overlay District. This added to existing zoning, requiring improved signage and landscaping for better aesthetics along 521 & 160. Current enhanced architectural requirements are responsible for the more attractive appearances of recent commercial structures on both highways.

Effective November 2016, the County passed the new UDO (Unified Development Ordinance). The new UDO requires greater aesthetics for development; sidewalks, trees, turning lanes etc. and helps to address growth issues in several ways. One important new rule is the mandating of new subdivisions approved after January 2015 to have private roads with HOA fees sufficient to maintain them.

It took the County almost three years and \$300,000 dollars to redo the Comprehensive Plan and the UDO. While a municipality can certainly set their own zoning regulations, they can not arbitrarily do it. They would have

to notify landowners either by mail or at a minimum they would have to advertise the rezoning in a newspaper.

When the County repealed and replaced the Zoning for the new UDO, they advertised it in the newspaper. They tried to either up zone or at least try to match the prior Zoning as close as possible with the new Zoning. They gave property owners six months that they could come back and ask for a Zoning hearing at no charge if they did not like their new Zoning.

If a Town of Indian Land tried to arbitrarily down zone property, the property owner has the right to ask for a Zoning hearing and the right to sue the Town for taking or denying their property rights.

In summary, while the last twenty years have not been perfect as we struggle with the changes that growth and development bring to the panhandle because of the proximity to Charlotte, in the last five years Lancaster County has made significant improvements to control growth and plan for the future of Indian Land.

BUSINESS SLIDE

What will incorporation mean to local business. It will mean new business fees and regulations from the town, new taxes on business properties, and the reality of increased cost to business is who ultimately pays for those increase costs? You the customer, in terms of increased prices on products and services.

TALE OF TWO COMMUNITIES

TOIL likes to compare Indian Land and the panhandle to Tucker, GA. Tucker is a newly incorporated city of 35,000 people that includes the struggling Northlake Mall.

Northlake Mall recently formed a Community Improvement District (CID) in a effort to raise funds for improvements of the commercial area. Tucker incorporated as a defensive measure because multiple areas around it were incorporating and trying to absorb this historic community with its own defined downtown. This is much like the historic community of Van Wyck did last year when TOIL tried to absorb them into a greater Town of Indian Land.

Tucker is currently in the start up phase and has yet to institute property taxes. They are collecting business license fees from the thousands of business in their new city, and have paid for a 10 year revitalization plan called Tucker Tomorrow to explain their plan and vision to revitalize all of the areas in the new city that are struggling.

While the plan is a start, they do not say how they will fund it.

On the other hand you have East Cobb, GA, a thriving unincorporated community in Cobb County. They have a population of 169,756, with SEVEN zipcodes and FOUR area codes. They were featured in the September 2016 issue of Money Magazine as the top spot to live in Georgia and one of the "Best Places to Live in America".

How do they do it? "Various neighborhood and subdivision community associations are represented within the overall East Cobb Civic Association, which promotes dialog between government and community organizations and seeks to shape county government policy and improve the community's quality of life. " In other words, they work directly with the county for the betterment of their community.

COMING TO INDIAN LAND

Let's talk about the positive things occurring in Indian Land. A County Satellite office is expected to open in March with a ribbon-cutting ceremony. The satellite office will bring county services here reducing the need for trips to Lancaster. It will be located in the strip mall behind the Gate gas station near Jersey Mikes at 521 and Doby's Bridge road. County Representatives will rotate thru at this office from various county departments during the month.

Indian Land had 10 acres donated for a new recreation center up by Avondale. Plans are being drawn and we look forward to seeing this new facility.

The new shopping centers are going to be aesthetically pleasing areas that will be family friendly for dining, shopping and entertainment. In my opinion the county took steps to change the kind of shopping centers to something well-planned that will enhance our community. No more need to go to Fort Mill, Rock Hill, or Charlotte for a night out, or a shopping trip. This means new tax money coming into the area and more job opportunities for our community.

We are getting an Indian Land post office. The current proposed location appears to be up near Lowe's at the intersection of 521 and 160.

All of this is happening without incorporation.

TRUE COST OF INCORPORATION

In summary, we believe that this incorporation is not good for the community of Indian Land based on the following facts:

TOIL proposes a limited, non-binding budget that fails to accurately address the TRUE cost of MANY municipal services, including law enforcement and the cost to maintain roads and bridges. If incorporation passes the true budget will be determined by a newly elected town council. They will have the hard work of crafting a realistic budget, and setting the millage at the rate necessary to run the town. Only after the first budget is voted and approved do the state property tax 3% limits apply in subsequent years.

Our research found many contradictions from sources, including the county, Sheriff, Joint Legislative Committee and Attorney General's office that show with incorporation municipal costs will be far greater than TOIL implies. Contrary to what TOIL has stated publicly, their budget was not approved by either MASC or the joint legislative committee. TOIL offers no new services not already provided by the county and your county tax dollars.

State protections for farming & agricultural activities do

not apply within Municipal limits. INCORPORATION eliminates protection of farming and agricultural activities provided by the state of SC and jeopardizes the livelihood of countless farmers and livestock owners. INCORPORATION of over 40 sq. miles of rural farmland encourages the conversion of farmland to urban developed land. This contradicts TOIL's claim that incorporating rural areas will control development.

On an issue this important the facts need to be correct BEFORE THE VOTE and not found out after, when it will be TOO LATE and we will be paying this burden for years to come. We ask you to carefully consider the impact a new layer of government and additional property taxes and fees will have on our growing community. Many of us moved to the panhandle for the wonderful community, less government, rural lifestyle and lower taxes. We believe incorporation is a mistake and urge you to vote NO.

Please visit our website www.notownofindianland.org for more information and a chance to be involved. We are proud of our community! Indian Land is already a great place to live, work and raise a family.