

**Council Members**

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

**County Administrator**

Dennis E. Marstall

**County Attorney**

Ginny L. Merck-Dupont

**Clerk to Council**

Sherrie Simpson

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**August 14, 2023**

**6:00 PM**

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

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**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 - Council Member Terry Graham**

4. **Approval of the Agenda**

*[deletion and additions of non-substantive matter]*

5. **Citizens Comments**

*[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at [ssimpson@lancastercsc.net](mailto:ssimpson@lancastercsc.net) or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastercsc.org/>. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]*

6. **Consent Agenda**

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

- a. Approval of Minutes from the July 17, 2023 County Council Regular Meeting
- b. Approval of Minutes from the July 19, 2023 County Council Special Meeting
- c. 2nd Reading of Ordinance 2023-1859 regarding Rezoning Property Located at 1993 Beacon Road from Rural Neighborhood (RN) to Agricultural Residential (AR) District (Applicants Dylan & Tammy Ellis)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone

Approximately 4.77 Acres (TM# 0089-00-086.01) Located At 1993 Beacon Rd, From Rural Neighborhood (RN) District To Agricultural Residential (AR) District. - ***Planning Department Case Number: RZ-2023-0596. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Passed 6-0 at the July 17, 2023 County Council Meeting (Charlene McGriff Absent). - Allison Hardin***

- d. 2nd Reading of Ordinance 2023-1860 regarding Rezoning Property at the Corner of Mackey and Douglas Roads from Medium Density Residential (MDR) to Manufactured Housing (MH) District (Applicant Teresa Johnson)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 1.0 Acre (TM# 0103f-0F-006.03) Located At The Corner Of Mackey And Douglas Roads, From Medium Density Residential (MDR) District To Manufactured Housing (MH) District. - ***Planning Department Case Number: RZ-2023-0629. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Passed 6-0 at the July 17, 2023 County Council Meeting (Charlene McGriff Absent). - Allison Hardin***

## 7. Non-Consent Agenda

- a. Resolution 1242-R2023 regarding Approval of the Issuance of Installment Purchase Revenue Bonds for the Detention Center and Regional Park Projects

Resolution Title: Authorizing The County Administrator To Undertake Actions Necessary For The Issuance And Sale Of Installment Purchase Revenue Bonds; Approving The Engagement Of Certain Professional Firms To Assist The County In Connection With The Issuance And Sale Of Installment Purchase Revenue Bonds; Authorizing Reimbursement Of Expenses Incurred Prior To The Issuance Of Installment Purchase Revenue Bonds; And Other Matters Relating Thereto. - ***Dennis Marstall/Frannie Heizer/Brian Nurick***

- b. Public Hearing and 3rd Reading of Ordinance 2023-1858 regarding the Merger of the Pleasant Valley and Indian Land Fire Departments

Ordinance Title: An Ordinance To Consolidate The Pleasant Valley Fire Protection District And The Indian Land Fire Protection District Into A Single, Unified Fire Protection District; Authorizing An Amendment To The County's Fiscal Year 2023-24 Budget; And Other Matters Relating Thereto. - ***Passed 6-0 at the June 26, 2023 County Council Meeting (Charlene McGriff Absent). Passed 6-0 at the July 17, 2023 County Council Meeting (Charlene McGriff Absent). - Dennis Marstall / Ginny Merck-Dupont***

- c. Public Hearing and 1st Reading of Ordinance 2023-1862 regarding Rezoning Property Located at 165 Brooklyn Avenue from MDR To NB (Applicant Barby Barchu)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 0.30 Acres (TM# 0081H-0C-013.00) Located At 165 Brooklyn Ave, From Medium Density Residential (MDR) District To Neighborhood Business (NB) District. - ***Planning Department Case Number: RZ-2023-0739. The Planning Commission recommended approval by a vote of 6-0 and staff also recommended approval of the rezoning request. - Allison Hardin***

- d. Public Hearing and 1st Reading of Ordinance 2023-1863 regarding Rezoning Property Located at 1743 Lynwood Drive from INS to MDR (Applicants Ronald Woods and Rev. Matthew Alexander on behalf of Grace-Lynwood United Methodist Church)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 5.819 Acres (TM# 0087G-0C-004.00) Located At 1743 Lynwood Dr, From Institutional (INS) District To Medium Density Residential (MDR) District. - ***Planning Department Case Number: RZ-2023-0831. The Planning Commission recommended approval by a vote of 6-0 and staff also recommended approval of the rezoning request. - Allison Hardin***

- e. Public Hearing and 1st Reading of Ordinance 2023-1864 regarding Amending the Unified Development Ordinance Related to Section 6.5 Street Classification and Design)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Sections 4.4.1 (Cluster Subdivision Overlay District), 6.14 (Road Construction Standards), And 10.4



(Definitions), All Pertaining To Street Definition And Design, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0975. The Planning Commission recommended approval by a vote of 5-0 and the Planning staff also recommended approval of the text amendment. - Allison Hardin***

- f. Resolution 1243-R2023 regarding Adoption of the Strategic Plan

Resolution Title: A Resolution To Adopt And Implement The Lancaster County, South Carolina Strategic Plan - ***Dennis Marstall***

- g. Public Hearing and 2nd Reading of Ordinance 2023-1845 regarding Codifying Rules for Parks and Recreation Facilities

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To Rules And Regulations For Lancaster County Parks And Recreation Areas/Facilities. - ***At the June 26, 2023 Meeting, the 1st Reading was postponed to the July 17, 2023 County Council Meeting. Passed 5-1 at the July 17, 2023 County Council Meeting (Jose Luis Opposed and Charlene McGriff Absent). - Dennis Marstall / Chris Clouden***

- h. 1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights

Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures. - ***At the April 11, 2023 Council Meeting, 1st Reading was Postponed until the June 12, 2023 County Council Meeting. At the June 12, 2023 Council Meeting, 1st Reading was Postponed until the August 14, 2023 County Council Meeting. - Chris Clouden***

- i. Public Hearing and 2nd Reading of Ordinance 2023-1861 regarding the Conveyance of the Old Library and Old Jail to the Historical Preservation Society

Ordinance Title: An Ordinance Authorizing Lancaster County To Sell And Convey County Owned Property Located At 107 South French Street, 208 West Gay Street And 210 West Gay Street And Containing .55 Acres, More Or Less, By Donation, Being Shown On The Lancaster County Tax Maps As Parcel Number 0068P-0Q-009.00. - ***Passed 6-0 at the July 17, 2023 County Council Meeting (Charlene McGriff Absent). - Dennis Marstall***

- j. 1st Reading of Ordinance 2023-1867 regarding Amending the County Code Relating to Parliamentary Procedures to reinstate certain standing committees

Ordinance Title: An Ordinance to Amend the Lancaster County Code, Relating to Parliamentary Procedures for Council Meetings to Reinstate Certain Standing Committees and Provide for Procedures Relative to Same in Order to Comport with Existing Lancaster County Practices and Procedures.

- k. 1st Reading of Ordinance 2023-1868 regarding Amending the Lancaster County Code Related to the Residency Requirement for Certain Management Positions

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To The Residency Requirement For Certain Management Positions - ***Dennis Marstall***

- l. Public Hearing and Resolution 1241-R2023 regarding Approval of a Conditional Use Permit at 168 Fort Mill Highway for Development of an Automated Car Wash Facility (Applicants The Timmons Group, TIL Holdings of Texas, George McGinn and Sallie Cooper)

Resolution Title: A Resolution To Approve The Favorable Recommendation Of The Lancaster County Planning Commission Of A Conditional Use Application To Permit A Minor Maintenance And Repair (Auto) Use To Be Located Upon Tax Map# 0008-00-007.00, At 168 Fort Mill Hwy, For The Purpose Of Developing A Car Wash Business. - ***Planning Department Case Number: CU-2023-0695. The Planning Commission recommended approval by a vote of 5-1. - Allison Hardin***

## 8. **Discussion and Action Items**

- a. Approval of Appointments and Reappointments to Various Boards or Commissions

- Mike Fulkerson as the District 7 representative to the Recreation Advisory Board to fill an unexpired term that would end on 06/30/2025
- Dr. Zora Denson as an Advisor to the Historical Commission to fill an unexpired term that

would end on 06/30/2025

- Silberio M. Francis, Sr., as the District 6 representative to the Community Relations Commission to fill a four year term that would expire on 06/30/2027 (2nd Term)
- Ronald A. Schachtner, II, as the Flat Creek Fire Department representative to the Fire Commission to fill an unexpired term that would end on 06/30/2027

**9. Executive Session**

*[motions from Members may follow]*

**a. One Item:**

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.

**10. Items Requiring a Vote Following Executive Session**

**11. 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](http://www.mylancastersc.org)*

*Meetings are live streamed and can be found by using the following link:  
<https://www.youtube.com/@LancasterCoSCGov/streams>*

## Agenda Item Summary

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Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration

Department: County Clerk

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Approve or amend the minutes from the July 17, 2023, County Council regular meeting.

**Points to Consider:**

The draft minutes from the July 17, 2023, County Council regular meeting are attached for Council's review and consideration.

**Funding and Liability Factors:**

There are no funding or liability factors regarding approval of minutes.

**Recommendation:**

Approve the minutes as written.

**ATTACHMENTS:**

| Description                                                     | Upload Date | Type            |
|-----------------------------------------------------------------|-------------|-----------------|
| Draft Minutes from the 7-17-2023 County Council Regular Meeting | 8/9/2023    | Backup Material |

**Council Members**

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

**County Administrator**

Dennis E. Marstall

**County Attorney**

Ginny L. Merck-Dupont

**Clerk to Council**

Sherrie Simpson

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**July 17, 2023**

**6:00 PM**

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

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

**MINUTES**

Council Members Present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Jose Luis, and Billy Mosteller (*via Teams*).

Absent: Charlene McGriff.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Allison Hardin, Development Services Division Director; Veronica Thompson, Financial Services Division Director; Graham Shuford, Senior Budget Analyst; Clay Catoe, Emergency Medical Services Director; Chief Greg Nicholson, Pleasant Valley Fire Department; Chief Chris Miller, Indian Land Fire Department; Kelvin Alexander, Project Manager; Jeff Catoe, Public Services Division Director; Kayla Vaughn, Communications Media and Marketing Specialist; Jason Gray, Vice President and Managing Principal with Willdan; Lawrence Flynn, Pope Flynn Law Firm; Ben Johnson, Esquire, representing The Exchange; Yates Dunaway, representing The Exchange; Michael Wickline, Traffic Engineer; John Craig with the Lancaster County Society for Historical Preservation; the press; various elected officials; various Department Heads; various employees and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

**Call to Order Regular Meeting - Chairman Steve Harper**

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

**Welcome and Recognition - Chairman Steve Harper**

Chairman Steve Harper welcomed everyone to the meeting. He noted that Council Member Mosteller would be joining the meeting via Teams. He also noted that Council Member McGriff would be absent.

### **Pledge of Allegiance and Invocation - Council Member Allen Blackmon**

Allen Blackmon led the Pledge of Allegiance to the American Flag and delivered the Invocation.

### **Approval of the Agenda**

Terry Graham moved to approve the agenda. Seconded by Allen Blackmon. A roll call vote was taken to approve the agenda: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The approval of the agenda passed by a vote of 6-0-1.

### **Citizens Comments**

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

1. Representative Mike Neese, Indian Land, SC, spoke regarding a new State Park along Van Wyck Road in Lancaster County. The press release that he provided to Council members is attached as Schedule A to the written minutes in the Clerk to Council's office; and
2. Reid Wilkerson, Indian Land, SC, spoke regarding the proposed Costco project and increased traffic concerns; and
3. Gordon Johnston, Century Communities, stated he was attending for the purpose of the Shiloh Woods development agreement and that he would be available for questions if needed; and
4. Brian Endres, Indian Land, SC, spoke regarding Ordinance 2023-1858; and
5. Clare McConaughay, Indian Land, SC, spoke regarding Ordinance 2023-1858, the proposed Costco project, and the County's donation of the Old Jail and Library to the Lancaster County Society for Historical Preservation; and
6. Revery Johnson, Indian Land, SC, spoke regarding Ordinance 2023-1858; and
7. Cary Cornwell, Indian Land, SC, spoke regarding the proposed Costco project in Indian Land.

The following citizens submitted electronic, written comments for Citizens Comments, that were acknowledged during the meeting by Clerk to Council, Sherrie Simpson, and that Council received written copies of at their seats:

1. Lou Spitzer, no address given, asked that Council not merge the Indian Land fire fee boards into all of Lancaster county. His written comments are attached to the written minutes in the Clerk to Council's office as Schedule B.
2. Judy Spitzer, no address given, asked that Council not merge the Indian Land fire fee boards into all of Lancaster County. Her written comments are attached to the written minutes in the Clerk to Council's office as Schedule C.
3. Paulette Horsman, Indian Land, SC, wrote to Council that she supported the Costco project in her area. Her written comments are attached to the written minutes in the Clerk to Council's office as Schedule D.

### **Special Presentations**

Clay Catoe, Director of EMS, explained that the Lancaster County High School Emergency Medical Technician (EMT) class has been a success. Stacy Chapman, lead instructor of the Lancaster County High School EMT class, introduced the top two (2) students from the first EMT class held at the High School: (1) Tanner Snipes, a certified EMT from the class; and (2) Jasmine, who has one other portion of the class to complete in order to become a certified EMT. Stacy Chapman discussed the importance of the class and how it helps address the shortage of EMS workers. Clay Catoe noted that the number of students registered for the class next year has almost doubled in size.

Jason Gray, Vice President and Managing Principal with consultant Willdan, provided an overview of the draft



Strategic Plan and its objectives via a power point presentation that is attached as Schedule E to the written minutes in the Clerk to Council's office. Council, staff, and the consultant discussed the previous fire growth management plan (the Fitch study), budgeting to meet the objectives of the Plan, engaging community partners in the Plan, and the need for the County to act as a facilitator with their community partners.

### **Consent Agenda**

Billy Mosteller moved to approve Consent Agenda Item **7a.** and **7b.** [which are the same as Items **a.** and **b.** listed below]. Seconded by Brian Carnes. A roll call vote was taken to approve the Consent Agenda: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The Consent Agenda passed by a vote of 6-0-1.

- a. Approval of Minutes from the June 14, 2023 Committee of the Whole Meeting**
- b. Approval of Minutes from the June 26, 2023 County Council Regular Meeting**

### **Non-Consent Agenda**

#### **2nd Reading of Ordinance 2023-1858 regarding the Merger of the Pleasant Valley and Indian Land Fire Departments**

Ordinance Title: An Ordinance To Consolidate The Pleasant Valley Fire Protection District And The Indian Land Fire Protection District Into A Single, Unified Fire Protection District; Authorizing An Amendment To The County's Fiscal Year 2023-24 Budget; And Other Matters Relating Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2023-1858. Seconded by Terry Graham.

Dennis Marstall explained that if the Ordinance was approved then it would become effective on September 15, 2023. He explained that the current ordinance recommended a seven person advisory board under the administrative division of the County. He also noted that the current ordinance called for the payoff of the bonds for the Pleasant Valley Fire Station, but that Council would decide at a later date on whether to forgive the bond payoff or how to provide for the payback of the bond payoff. Lawrence Flynn, the County's consultant from Pope Flynn law firm, explained that the main issue left to resolve for the County was that of whether to include a fee board in this ordinance that is consolidating the two fee districts. He explained that the two options available to Council in setting up the fire district is either as an administrative division of the County or as an independent commission appointed by County Council. He reviewed the implications for the County in using either option. Council, staff, and the consultant discussed the current structure of the existing fee boards and possible changes that would be needed for those boards in order for them to be structured appropriately according to the law, advisory boards versus independent commissions, a possible sunset clause for the merged fee board, insurance coverage for an independent commission, personnel policies for fee boards, and advantages and disadvantages of a commission versus an administrative division of the County.

After a lengthy discussion, Allen Blackmon proposed that the County adopt the merged fee board with the responsibility of preparing the initial budget as it makes its way through the County's normal budgetary process. Brian Carnes suggested to keep the structure of the merged fee board the same as the current fire district fee boards. He moved to insert into the current Ordinance that Council is considering to add Section 14.156. Administration of District, into that Ordinance to become part of that Ordinance, which means that the County would be following the same structure that the County has been following in the past. The motion died for lack of a second.

Allen Blackmon moved to amend the Ordinance to create an Ordinance that would establish a fee board for the two merging districts that would be restricted only to creating a budget annually to present through the normal administrative budgetary process. After discussion, he stated that the board should have five (5) members, with one ex-officio non-voting member being the Fire Chief, with terms to run along the lines of other boards and

commissions and that those members would have to be approved by Council. Seconded by Jose Luis. Lawrence Flynn clarified that the motion meant that the Ordinance would create a five member commission, with one ex-officio member, appointed by County Council and that their sole function would be to provide a recommendation on an annual budget and all other functions would fall to the County Administrator. Ginny Merck-Dupont clarified that the amendment could include the language from the current fee boards regarding setting the terms for the commission members. Allen Blackmon and Jose Luis agreed to include that language in the amendment. A roll call vote was taken to approve the amendment to Ordinance 2023-1858: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The amendment passed by a vote of 6-0-1.

Council suggested that the members of the fee board be comprised of two (2) members from the Pleasant Valley district and three (3) members from the Indian Land district.

A roll call vote was taken to approve the 2nd Reading of Ordinance 2023-1858 as amended: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 2nd Reading of Ordinance 2023-1858 as amended passed by a vote of 6-0-1.

### **Public Hearing and 3rd Reading of Ordinance 2023-1854 regarding Amending the Effectuation Date for the Shiloh Woods Development Agreement**

Ordinance Title: An Ordinance To Approve Amendment Of A Development Agreement Between Lancaster County And Century Communities Southeast, LLC, For The Development Known As "Shiloh Woods" In Order To Effectuate The Intent Of The Parties As To The Effective Date Of The Development Agreement

Steve Harper recused himself from the vote and discussion regarding Ordinance 2023-1854. His Statement of Recusal is attached as Schedule F to the written minutes in the Clerk to Council's office. He left Chambers at approximately 7:32 p.m. and Brian Carnes took over the duties as Chair of the meeting in Steve Harper's absence.

Dennis Marstall stated that there were no updates to the Ordinance since 2nd Reading.

Brian Carnes opened the Public Hearing for Ordinance 2023-1854 at approximately 7:33 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 33 citizens, including staff members, in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Ordinance: None.

Brian Carnes closed the Public Hearing at approximately 7:33 p.m.

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2023-1854. Seconded by Billy Mosteller. A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1854: Ayes: Mosteller, Blackmon, Carnes; Nays: Graham, Luis; Absent: McGriff; Abstain: Harper. 3rd Reading of Ordinance 2023-1854 Passed by a vote of 3-2-1-1.

Steve Harper rejoined the meeting at approximately 7:35 p.m. and resumed his duties as Chair of the meeting.

### **3rd Reading of Ordinance 2023-1852 regarding Rezoning Property Located At or Adjacent to 8918 Charlotte Highway from Light Industrial (LI) to Regional Business (RB) District (Applicant C4 OP Owner LLC)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 28.01 Acres (TM# 0010-00-029.00) Located At 8918 Charlotte Highway, Indian Land, From Light Industrial (LI) District To Regional Business (RB) District. - *Planning Department Case Number: RZ-2022-0344.*

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2023-1852. Seconded by Allen Blackmon.

Allison Hardin provided an update for the 3rd Reading of Ordinance 2023-1852 via the County power point,



which is attached to the written minutes in the Clerk to Council's office. She explained that the written agreement regarding changes to the "Agreed Property Rezoning and Agreement to Waive and Terminate the CCR's Under Section 4.01F of The Exchange at Indian Land Development Agreement as a Result of Rezoning" has been completed and that signed agreement will be attached to the Ordinance in the Clerk to Council's office. Council and staff discussed the Traffic Impact Analysis (TIA), the Development Agreement, reliance letters and why they are not used for TIA's, and potential revenue from the project.

Yates Dunaway, representing Crosland Southeast, and Michael Wickline, traffic engineer with Design Resource Group, provided information on the TIA via a power point attached as Schedule G to the written minutes in the Clerk to Council's office. Council, staff, Mr. Dunaway and Mr. Wickline discussed the average weekday daily traffic impact for the proposed project, the peak hour traffic impact for AM and PM for the proposed project, and the previous TIA for phase one of the project. Jose Luis reviewed a map of traffic patterns for Wal-Mart showing that most of the traffic comes from outside of South Carolina and that map is attached as Schedule H to the written minutes in the Clerk to Council's office. He stated that the traffic for Costco would be similar.

After a lengthy discussion, Jose Luis moved to postpone the vote on the 3rd Reading of Ordinance 2023-1852 until the TIA is finalized. Seconded by Terry Graham. The TIA was discussed. Attorney Ginny Merck-Dupont explained that the vote would require a two-thirds majority in order to pass. A roll call vote was taken to postpone the 3rd Reading of Ordinance 2023-1852: Ayes: Graham, Luis, Carnes; Nays: Mosteller, Harper, Blackmon; Absent: McGriff. The motion to postpone failed by a vote of 3-3-1.

A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1852: Ayes: Mosteller, Harper, Blackmon, Carnes; Nays: Graham, Luis; Absent: McGriff. The 3rd Reading of Ordinance 2023-1852 passed by a vote of 4-2-1.

### **3rd Reading of Ordinance 2023-1853 regarding Amending the Unified Development Ordinance (UDO) regarding Section 4.3.2 of the Highway Corridor Overlay District (Applicant C4 OP Owner, LLC)**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 4.3.2, Highway Corridor Overlay District (HCO), To Exclude Hospitals, Medical Clinics, And Large-Scale Retailer Facilities From Certain Portions Of Section 4.3.2 On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2022-0344.***

Brian Carnes moved to approve the 3rd Reading of Ordinance 2023-1853. Seconded by Terry Graham.

Allison Hardin provided an update for the 3rd Reading of Ordinance 2023-1853 via the County power point, which is attached to the written minutes in the Clerk to Council's office. Allen Blackmon moved to amend the Ordinance to include the following language in Section 4.3.2.J.2(b): "In addition to the tree requirement, the Corridor Frontage Buffer shall consist of any combination of shrubs, turf grass, or other ground cover, ***with the exception of hospitals, medical clinics, and large-scale retailers, which will require the space between canopy or understory trees to be filled with a mixture of crepe myrtles, wax myrtles, and arbor vitae (which the arbor vitae includes the emerald green varietal) (all in tree form and a minimum of three inches DBH), spaced five (5) feet apart, for the length of the property line as it abuts the corridor, and will be supplemented by a minimum of three evergreen shrubs between each crepe myrtle/wax myrtle/arbot vitae, except in sight triangles....***" Seconded by Brian Carnes. Council and staff discussed what the required types of buffers should be along Highway 521. Council discussion continued about the types of buffering that could be used, shrub height that is addressed by the landscaping code, and that the Ordinance would affect the entire Highway Corridor Overlay (HCO) district and not just the Costco project.

A roll call vote was taken to approve the amendment to Ordinance 2023-1853: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The amendment passed by a vote of 6-0-1.

A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1853 as amended: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 3rd Reading of Ordinance 2023-

1853 as amended passed by a vote of 6-0-1.

**3rd Reading of Ordinance 2023-1855 regarding Amending the Unified Development Ordinance (UDO) regarding Section 10.3 to Add a New Definition for "Large Scale Retailer" (Applicant C4 OP Owner, LLC)**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 10.3, Use Type Definitions, To Include A New Use Definition For "Large-Scale Retailer" On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2022-0344.*

Brian Carnes moved to approve the 3rd Reading of Ordinance 2023-1855. Seconded by Allen Blackmon.

Allison Hardin noted that there were no changes to the Ordinance since the previous reading. Council and staff discussed whether the definition needed to be amended to add a *single* retail use to the definition. After a lengthy discussion, Jose Luis moved to amend the Ordinance to the following language: Retailer, Large-Scale - A single retail use located in a single building of at least 100,000 square feet of gross floor area. Seconded by Terry Graham. A roll call vote was taken to approve the amendment to Ordinance 2023-1855: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The amendment passed by a vote of 6-0-1.

A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1855 as amended: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 3rd Reading of Ordinance 2023-1855 as amended passed by a vote of 6-0-1.

Council called for a break in the meeting. The break began at approximately 8:26 p.m. and ended at approximately 8:36 p.m., at which time the Council meeting resumed.

**3rd Reading of Ordinance 2023-1856 regarding Amending the Unified Development Ordinance (UDO) regarding Section 7.2.6.A. - Bicycle Parking - for Large-Scale Retailer use (Applicant C4 OP Owner, LLC)**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.2.6, Bicycle Parking, To Modify Standards Pertaining To The Required Number Of Short-Term And Long-Term Spaces For Large-Scale Retailers On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2022-0344.*

Terry Graham moved to approve the 3rd Reading of Ordinance 2023-1856. Seconded by Allen Blackmon.

Allison Hardin noted that there were no changes to the Ordinance since the 2nd Reading. There was no discussion from Council.

A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1856: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 3rd Reading of Ordinance 2023-1856 passed by a vote of 6-0-1.

**3rd Reading of Ordinance 2023-1857 regarding Amending the Unified Development Ordinance (UDO) regarding Section 7.4.5 related to Signage Standard by Category (Applicant C4 OP Owner LLC)**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.4.5, Signage Standards By Category, To Include A Maximum Wall Sign Allowance For A "Large-Scale Retailer" On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2022-0344.*

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2023-1857. Seconded by Brian Carnes.

Allison Hardin noted that there were no changes to the Ordinance since the 1st Reading. There was no discussion from Council.



A roll call vote was taken to approve the 3rd Reading of Ordinance 2023-1857: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 3rd Reading of Ordinance 2023-1857 passed by a vote of 6-0-1.

### **1st Reading of Ordinance 2023-1845 regarding Codifying Rules for Parks and Recreation Facilities**

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To Rules And Regulations For Lancaster County Parks And Recreation Areas/Facilities.

Brian Carnes moved to approve the 1st Reading of Ordinance 2023-1845. Seconded by Terry Graham.

Dennis Marstall reviewed the updates to the Ordinance. There was no discussion from Council.

A roll call vote was taken to approve the 1st Reading of Ordinance 2023-1845: Ayes: Graham, Mosteller, Harper, Blackmon, Carnes; Nays: Luis; Absent: McGriff. 1st Reading of Ordinance 2023-1845 passed by a vote of 5-1-1.

### **Public Hearing and 1st Reading of Ordinance 2023-1859 regarding Rezoning Property Located at 1993 Beacon Road from Rural Neighborhood (RN) to Agricultural Residential (AR) District (Applicants Dylan & Tammy Ellis)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.77 Acres (TM# 0089-00-086.01) Located At 1993 Beacon Rd, From Rural Neighborhood (RN) District To Agricultural Residential (AR) District. - *Planning Department Case Number: RZ-2023-0596.*

Allison Hardin reviewed the rezoning project via the County power point presentation that is attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2023-1859 at approximately 8:44 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 13 citizens, including staff members, in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:44 p.m.

Terry Graham moved to approve the 1st Reading of Ordinance 2023-1859. Seconded by Billy Mosteller. A roll call vote was taken to approve the 1st Reading of Ordinance 2023-1859: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 1st Reading of Ordinance 2023-1859 passed by a vote of 6-0-1.

### **Public Hearing and 1st Reading of Ordinance 2023-1860 regarding Rezoning Property at the Corner of Mackey and Douglas Roads from Medium Density Residential (MDR) to Manufactured Housing (MH) District (Applicant Teresa Johnson)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 1.0 Acre (TM# 0103f-0F-006.03) Located At The Corner Of Mackey And Douglas Roads, From Medium Density Residential (MDR) District To Manufactured Housing (MH) District. - *Planning Department Case Number: RZ-2023-0629.*

Allison Hardin reviewed the rezoning project via the County power point presentation that is attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2023-1860 at approximately 8:47 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 13 citizens, including staff members, in attendance during the Public Hearing for this

Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:47 p.m.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2023-1860. Seconded by Jose Luis. A roll call vote was taken to approve the 1st Reading of Ordinance 2023-1860: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 1st Reading of Ordinance 2023-1860 passed by a vote of 6-0-1.

### **1st Reading of Ordinance 2023-1861 regarding the Conveyance of the Old Library and Old Jail to the Historical Preservation Society**

Ordinance Title: An Ordinance Authorizing Lancaster County To Sell And Convey County Owned Property Located At 107 South French Street, 208 West Gay Street And 210 West Gay Street And Containing .55 Acres, More Or Less, By Donation, Being Shown On The Lancaster County Tax Maps As Parcel Number 0068P-0Q-009.00.

Brian Carnes moved to approve the 1st Reading of Ordinance 2023-1861. Seconded by Allen Blackmon.

Dennis Marstall introduced John Craig with the Lancaster County Society for Historical Preservation. John Craig reviewed the project with Council via a power point presentation that is attached as Schedule I to the written minutes in the Clerk to Council's office. Dennis Marstall noted that the Ordinance had a time frame for which to tear down the Clemson Extension building and that the County would need to determine where to move that office by the end of the year.

A roll call vote was taken to approve the 1st Reading of Ordinance 2023-1861: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. 1st Reading of Ordinance 2023-1861 passed by a vote of 6-0-1.

### **Discussion and Action Items**

#### **Approval of Appointments and Reappointments to Various Boards or Commissions**

- David Koubek to the Catawba Regional Workforce Development Board to fill a three year term that would expire on 12/31/2026 (1st Term)
- Mikki Stacks as an Advisor to the Historical Commission to fill a four year term that would expire on 06/30/2027 (1st Term)
- Dennis Boyer as an Advisor to the Historical Commission to fill a four year term that would expire on 06/30/2027 (1st Term)
- Robbie Lee Knight as an Advisor to the Historical Commission to fill an unexpired term that would end on 06/30/2027

Brian Carnes moved to approve the appointments as listed. Seconded by Terry Graham. A roll call vote was taken to approve the appointments as listed on the agenda: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The approval of all of the appointments as listed on the agenda passed by a vote of 6-0-1.

### **Status of items tabled, recommitted, deferred or held**

- a. POSTPONED UNTIL THE 8/14/2023 COUNCIL MEETING -1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights  
Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures. - *At the April 11, 2023 Council Meeting, 1st Reading was Postponed until the June 12, 2023 County Council Meeting. At the June 12, 2023 Council Meeting, 1st Reading*



There were no discussions regarding the status of items tabled, recommitted, deferred or held.

### **Executive Session**

Three Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding an Economic Development discussion: Project E3.
2. Receipt of legal advice subject to the attorney-client privilege regarding Economic Development discussions related to the status of current agreements.
3. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.

Brian Carnes moved to go into Executive Session. Seconded by Allen Blackmon. A roll call vote was taken and the motion to go into Executive Session passed by a vote of 6-0-1: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. At approximately 9:04 p.m., Council went into Executive Session to discuss the three (3) items listed above.

### **Items Requiring a Vote Following Executive Session**

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:45 p.m. Jose Luis moved to come out of Executive Session. Seconded by Brian Carnes.

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed three (3) items: receipt of legal advice subject to the attorney-client privilege regarding an Economic Development discussion, or Project E3; receipt of legal advice subject to the attorney-client privilege regarding Economic Development discussions related to the status of current agreements; and receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition. She stated that, during Executive Session, no motions were made and no votes were taken.

A roll call vote was taken on the motion to come out of Executive Session: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff. The motion to come out of Executive Session passed 6-0-1.

Allen Blackmon moved to authorize the Administrator to enter into negotiations to purchase land under the terms and conditions discussed in Executive Session. Seconded by Jose Luis. A roll call vote was taken to approve the motion and it passed 6-0-1: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff.

### **Adjournment**

Jose Luis moved to adjourn the meeting. Seconded by Brian Carnes. A roll call vote was taken. The motion to adjourn passed 6-0-1: Ayes: Graham, Mosteller, Luis, Harper, Blackmon, Carnes; Nays: None; Absent: McGriff.

There being no further business, the regular meeting of County Council adjourned at approximately 9:47 p.m.

## Agenda Item Summary

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Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Donna Greene / Deputy Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Approve or amend the minutes from the July 19, 2023, County Council Special meeting.

**Points to Consider:**

The draft minutes from the July 19, 2023, County Council Special meeting are attached for Council's review and consideration.

**Funding and Liability Factors:**

There are no funding or liability factors regarding approval of minutes.

**Recommendation:**

Approve the minutes as written.

**ATTACHMENTS:**

| Description                                                     | Upload Date | Type            |
|-----------------------------------------------------------------|-------------|-----------------|
| Draft Minutes from the 7-19-2023 County Council Special Meeting | 8/9/2023    | Backup Material |

**Council Members**

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

**County Administrator**

Dennis E. Marstall

**County Attorney**

Ginny L. Merck-Dupont

**Clerk to Council**

Sherrie Simpson

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**July 19, 2023**

**4:00 PM**

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

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

**SPECIAL MEETING MINUTES**

Council Members Present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Jose Luis (*via Teams*), and Billy Mosteller (*via Teams*).

Absent: Charlene McGriff

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Jeff Catoe, Public Services Division Director; Brandon Elliott, Fleet Operations Director; Tim Greene, Project Manager; Andrew Pack, Woolpert; the press; various employees and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

**Call to Order - Chairman Steve Harper**

Chairman Steve Harper explained the meeting would begin when Councilmember Allen Blackmon arrived. The parliamentary rules state that there must be a quorum present to hold the meeting.

Chairman Steve Harper called the Committee of the Whole Special Meeting to order at approximately 4:13 p.m.

**Welcome and Recognition - Chairman Steve Harper**

Chairman Steve Harper welcomed everyone to the meeting.

**Pledge of Allegiance and Invocation - Council Member Brian Carnes**

Brian Carnes led the Pledge of Allegiance to the American Flag and delivered the Invocation.



## Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Terry Graham. A roll call vote was taken to approve the agenda. The motion Passed 6-0-1. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff

## Citizens Comments

The following citizens signed up for Citizens Comments:

1. Thomas Hagins, Heath Springs, SC - spoke in regards to the private road, Timber Lane. He stated his daughter has land on this road and was ready to take action to get the road repaired.
2. Katey Powell - Did not come forward to speak when called as she thought this was a sign-in sheet.

The following citizens submitted electronic, written comments for Citizens Comments: None.

## Discussion and Action Items

### **Regional Park Phasing Costs - Presentation by Woolpert**

Dennis Marstall stated that Council would be receiving information regarding cost assessments that go into the phasing, along with details for each phase of this project. He explained that staff needed final input from Council on the amenities, schedule and potential funding on the phases of the project.

Andrew Pack, with Woolpert, provided an update on phasing of the park project and projectd costs via a power point presentation and that presentation is attached as Schedule A to the written minutes in the Clerk to Council's office.

The following items were discussed: the cost of multi-use fields; turf versus natural grass; the maintenance of fields; the size of restrooms and concessions; and the revenues that could be generated from the use of the fields. Mr. Pack stated the numbers had not been finalized. He stated maintenance plus salaries per year would be estimated at approximately \$700,000 for the first year; and after the first year it would be estimated at approximately \$535,000 for ongoing operational costs. There was continued discussion regarding next year's revenues and budget, phasing the project, and costs of funding using hospitality funds or bonding the project. Mr. Marstall stated there would be a scheduled presentation on a final bond package at the August 14th meeting for Council's final decision.

### **Proposal for a New Fleet Operations Building - Presented by Tim Greene, Project Manager**

Dennis Marstall stated the fleet operations facility was previously discussed in 2019 and staff would like to bring this discussion back to Council for consideration.

Tim Greene, Project Manager, provided an update on a potential new fleet operations facility via a powerpoint presentation and that presentation is attached as Schedule B to the written minutes in the Clerk to Council's office.

There was discussion regarding rock at the building site and that grading would be needed. They discussed debt millage for funding this project. There was also discussion that the County has too many projects currently being built to consider another one for this budget year. Brian Carnes stated this facility was antiquated four years ago and was even worse now. Chairman Harper stated this facility was the worst facility in the county. Terry Graham asked what the debt millage would be for this facility. Jeff Catoe and Brandon Elliott spoke regarding the need for the replacement of this facility. Dennis Marstall stated they would look at bringing back more information in two

### **Discussion of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights**

Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures.

Dennis Marstall stated that some changes have been discussed at previous meetings and based on feedback, changes were made. He reviewed the items that have been changed as previously discussed. There being no further comment from Council, Mr. Marstall stated this item will be brought forward for first reading at the August 14th meeting for approval.

### **Discussion regarding Meeting Structures and financial policies for Boards and Commissions - Dennis Marstall**

Dennis Marstall discussed that it has been brought to the County's attention that some of our boards and commissions are unclear about how they should operate. He also informed Council that the County has three (3) boards that receive a limited amount of County funding. He stated that the County Code of Ordinances stated that all boards and commissions should follow the same rules and procedures as County Council and Roberts Rules of Order and that they could vote and should vote if there were recommendations or submissions to Council. Mr. Marstall and Ginny Merck-Dupont informed Council that the Code was changed in August of 2020 due to the needs of COVID. Ms. Merck-Dupont stated some rules were dropped and there was nothing about the Committee of the Whole or the establishment of committees.

Allen Blackmon requested training materials for the Board of Zoning Appeals be provided to County Council. Sherrie Simpson explained that the training provided to the Planning Commission and the Board of Zoning Appeals was provided by the South Carolina Association of Counties (SCAC) and that she would provide Council with the link for the SCAC orientation training. She also noted that, moving forward, she would copy Council on the appointment letters for the Planning Commission and Board of Zoning Appeals members.

Dennis Marstall then stated that the County has three boards that receive some amount of county funding without financial regulations. He stated the number two group received annual training in Columbia and has asked to use some funding for area nonprofits. He noted that Council has never weighed in on this spending. He stated Council may want to set more parameters for the boards and commissions. He continued that board number six would use their funds for miscellaneous things that would help further their mission so Council would need to decide whether they would like open-ended requests for funding for boards and commissions that we could enforce. He stated board number seven used their county funding for museum purchases and historical markers, which were within the County realm. He stated that he wanted Council to be made aware regarding the other open-ended purchases. He would like a policy established to bring those before Council for approval prior to the purchase being made.

### **Discussion Around Potentially Amending the Intergovernmental Fire Rescue Service Contract with the Town of Kershaw Fire Contract - Dennis Marstall**

Dennis Marstall stated the Town of Kershaw has requested that County Council amend the Intergovernmental Fire Rescue Service Contract that was previously approved in June. Allen Blackmon moved to amend the contract and add the salary pay for the Kershaw firefighter in addition to the salary pay for the Lieutenant. Seconded by Brian Carnes. Billy Mosteller stated the budget has already been approved and he does not approve doing this until next year. There was discussion regarding the County paying for three (3) City firefighters. Mr. Mosteller stated that the City runs extrication calls county-wide on three different shifts with these firefighters.

A roll call vote was taken to amend the Town of Kershaw Fire Rescue contract. The motion Failed 3-3-1. Ayes: Blackmon, Carnes, Harper; Nays: Graham, Luis, Mosteller; Absent: McGriff

### **Adjournment**

Allen Blackmon moved to adjourn. Seconded by Brian Carnes. A roll call vote was taken. The motion to adjourn Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff.

There being no further business, the special meeting of County Council adjourned at approximately 6:19 p.m.

DRAFT



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1859 / Planning Case Number: RZ-2023-0596

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

To approve or deny the rezoning request, which is an application by Dylan & Tammy Ellis for a rezoning of 4.77 acres at 1993 Beacon Road (TM# 0089-00-086.01) from Rural Neighborhood (RN) to Agricultural Residential (AR) district, in order to locate a mobile home on the property.

### **Points to Consider:**

The parcel is adjacent to the proposed AR zoning district.

The applicant does have a permit to operate from SCDHEC.

The applicant will need to go through the Zoning Department to obtain a permit for the mobile home if the rezoning is approved.

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

N/A

### **Recommendation:**

The proposed rezoning received unanimous recommendation for approval by Planning Commission at their June regular meeting with no discussion.

Staff recommends Approval of the request to rezone 4.77 acres (TM# 0089-00-086.01) from Rural Neighborhood (RN) District to Agricultural Residential (AR) District.

### **ATTACHMENTS:**

| Description          | Upload Date | Type                  |
|----------------------|-------------|-----------------------|
| Ordinance 2023-1859  | 7/5/2023    | Ordinance             |
| Application          | 5/9/2023    | Exhibit               |
| Staff Report         | 6/13/2023   | Planning Staff Report |
| Ellis Plat           | 5/9/2023    | Exhibit               |
| SCDHEC Septic Permit | 6/6/2023    | Exhibit               |
| Location Map         | 6/13/2023   | Exhibit               |

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1859

COUNTY OF LANCASTER

)

### AN ORDINANCE

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 4.77 ACRES (TM# 0089-00-086.01) LOCATED AT 1993 BEACON RD, FROM RURAL NEIGHBORHOOD (RN) DISTRICT TO AGRICULTURAL RESIDENTIAL (AR) DISTRICT.**

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

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

The Council finds and determines that:

(a) Dylan and Tammy Ellis applied to rezone a 4.77-acre parcel of real property (TM# 0089-00-086.01) owned by them, being located at 1993 Beacon Rd, from Rural Neighborhood (RN) District to Agricultural Residential (AR) District.

(b) On June 20, 2023, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 7-0 vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type “includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded “conservation subdivisions” whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations.” The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category, which includes gas stations, hardware stores, light industrial, and storage. The requested AR District is consistent with the Rural Living Future Land Use Category and the Comprehensive Plan.

#### **Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from Rural Neighborhood (RN) District to Agricultural Residential (AR) District, for the following property as identified by tax map numbers or other appropriate identifiers:

Tax Map No. (0089-00-086.01) – 4.77 acres

**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, to the extent to of the conflict, 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 \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

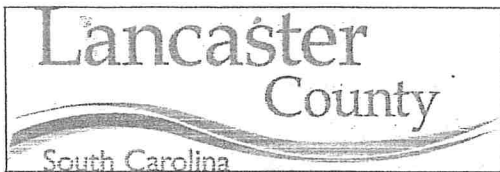
\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:            July 17, 2023  
Public Hearing:            July 17, 2023  
Second Reading:        August 14, 2023  
Third Reading:            August 28, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney





Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)

[www.mylanastersc.org](http://www.mylanastersc.org)

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

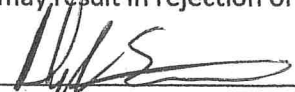
GENERAL INFORMATION

Property Address 1993 Beacon Rd  
City Lancaster State SC Zip 29720 Tax Parcel ID 0089-00-086.01  
Current Zoning RN Current Use Vacant  
Proposed Zoning AR Total Acres 4.77  
Project Description Setup Doublewide on Property for my Permanent Residence, which will not be seen from the highway due to the driveway being 1/3 of a mile long  
Surrounding Property Description AR and RN  
Within one mile of this property there is a mix of stick built homes, Doublewides and many single wides (26 mobile homes total within one mile)

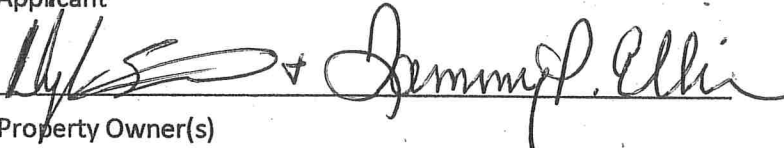
CONTACT INFORMATION

Applicant Name Dylan Ellis  
Address 3080 Major Evans Rd.  
City Lancaster State SC Zip 29720 Phone 803-320-4655  
Fax \_\_\_\_\_ Email EllisRentals@me.com  
Property Owner Name Dylan Ray Ellis & Tammy Pate Ellis  
Address 3080 Major Evans Rd  
City Lancaster State SC Zip 29720 Phone 803-320-4655  
Fax \_\_\_\_\_ Email EllisRentals@me.com

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

3/29/2023  
Date

  
Property Owner(s)

3/29/2023  
Date

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

#### LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

#### SCHEDULE/PROCESS 1. Submit Application

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

#### 2. Planning Commission

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

#### 3. County Council

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

**PROPOSAL:** Request to rezone Approx. 4.77 acres  
**PROPERTY LOCATION:** 1993 Beacon Road (TM# 0089-00-086.01)  
**CURRENT ZONING DISTRICT:** Rural Neighborhood (RN) District  
**PROPOSED ZONING DISTRICT:** Agricultural Residential (AR) District  
**APPLICANT:** Dylan & Tammy Ellis  
**COUNCIL DISTRICT:** District 5, Steve Harper

**STATUTORY NOTICES:**

Hearing notice published 6/3/2023 in The Lancaster News  
Sign posted 6/2/2023  
Mailed notices 6/1/2023  
Posted agenda in lobby 6/13/2023

**OVERVIEW:**

***Proposal***

The applicant has requested to rezone a parcel of 4.77 acres. The intent is to allow placement of a mobile home on the property. A mobile home is permitted with review under the MH Zoning district. The applicant will have to go through the Zoning Department once the rezoning is passed to obtain a permit for the mobile home.

***Site Information***

The parcel that is proposed to be rezoned is currently zoned as residential but is currently vacant. An approved septic system was recently installed on site.

***Summary of Adjacent Zoning and Uses***

The properties are surrounded predominantly by RN and AR zoned properties. There is an AR parcel adjoining the subject property to the east.

| Adjacent Property | Jurisdiction     | Zoning District | Use                       |
|-------------------|------------------|-----------------|---------------------------|
| North             | Lancaster County | RN and AR       | Residential; Agricultural |
| South             | Lancaster County | RN              | Residential; Agricultural |
| East              | Lancaster County | AR              | Residential; Agricultural |
| West              | Lancaster County | RN              | Residential; Agricultural |



## ANALYSIS & FINDINGS:

### **Zoning Districts**

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

### **Requested AR**

UDO Chapter 2.3 describes the requested AR District as *“... established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.”*

### **Compatibility with Surrounding Area**

As noted previously, the subject property is predominately surrounded by the RN and AR Districts. The surrounding uses are primarily residential and agricultural in nature.

## RELATIONSHIP TO PUBLIC PLANS

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

The Rural Living Future Land Use Category starts south of Highway 5 and extends to the rest of the County boarding with the City of Lancaster and the Towns of Heath Springs and Kershaw. The Rural Living Future Land Use Category and Rural Living Community Type are intended to be Synonyms.

The requested AR District is consistent with the Rural Living Future Land Use Category and the Comprehensive Plan.

| Rural Living: Land Use Considerations |                                          |                                                 |
|---------------------------------------|------------------------------------------|-------------------------------------------------|
| Cultivated Farmland                   | Single-Family Detached Home              | Convenience Store / Hardware Store / Restaurant |
| Woodlands / Timber Harvesting         | Smaller-lot Single Family and Town Homes | Gas Station                                     |
| Livestock / Arable                    | Mobile Home                              | Church                                          |
| Natural Area                          | Barns / Storage                          | Light Industrial (ancillary to farming)         |

## INFRASTRUCTURE CONSIDERATIONS

### *Transportation*

There are no issues with traffic generated from this request at this time.

### **Public Utilities**

Water is currently serving this site, there is a septic tank that has been permitted by SCDHEC.

### **Public Schools**

There are no capacity concerns for the schools within this area pertaining to this change.

---

## PHOTOS OF PROJECT AREA:



*Ariel view of subject property*





*Facing subject property's easement off Beacon Rd*



*Looking down easement on property*



*Site of proposed mobile home*



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**STAFF RECOMMENDATION:**

Staff recommends **Approval** of the request to rezone 4.77 acres (TM# 0089-00-086.01) from Rural Neighborhood (RN) District to Agricultural Residential (AR) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0089-00-086.01;
2. That the subject property is currently zoned RN District and proposed to be rezoned AR District;
3. That the subject property has a Future Land Use designation of Rural Living, and a Community Type of Rural Living; and
4. That the proposed AR District is generally consistent with the surrounding area which is comprised of RN, and AR Districts.

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**ATTACHMENTS:**

1. Rezoning Application
2. Proposed Minor Subdivision Plat
3. Location Map/ Zoning Map
4. SCDHEC Permit

**STAFF CONTACT:**

Matthew Blaszyk, Planner  
[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net) | 803-416-9380







**APPROVAL TO OPERATE**  
Contractor Self-Inspection  
Onsite Wastewater System

File No.: 2020060014

County: Lancaster

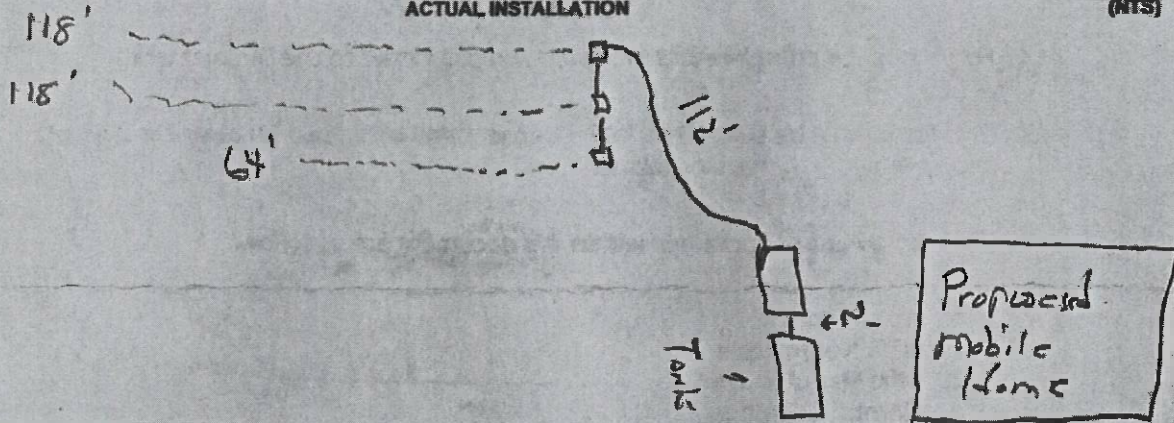
Name: Dylan Ellis  
Type Facility: Mobile Home  
Subdivision: Bercon Rd.  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Address: 1993 Bercon Rd.  
Lancaster, SC  
Site: Same

Program Code: 360  
Tax Map: \_\_\_\_\_  
Water Supply: Public

**ACTUAL INSTALLATION**

(NTS)



**FINAL INSPECTION**

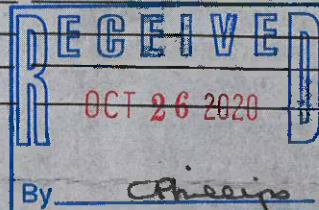
Installer: Randy Hudson  
Septic Tank Mfr: J+S Size: 1000 (gal)  
Pump Chmbr Mfr: J+S Size: 1000 (gal)  
Pump Mfr: Goulds  
Pump Model: PE 51m  
Grease Trap Mfr: \_\_\_\_\_  
Alternative Product: \_\_\_\_\_  
Aggregate Type: Quick 4 Int.  
Aggregate Depth (in): \_\_\_\_\_  
Trench Width (in): 36"  
Trench Depth (in): 26"  
Fill Cap: ☐ Yes ☒ No Fill Cap Depth (in): \_\_\_\_\_  
Well Installed: ☐ Yes ☒ No  
Well Dist (ft): \_\_\_\_\_  
Building Dist (ft): \_\_\_\_\_  
Property Dist (ft): 12'  
Water Dist (ft): \_\_\_\_\_

**Elevation Readings**

Plumbing Stubout: N/A Septic Tank Inlet: 3-2 Septic Tank Outlet: 3-4 1/2 Pump Chmbr Inlet: 3-6

**Line No.**

|   |     |         |     |         |
|---|-----|---------|-----|---------|
| 1 | 5-3 | 5-4 1/2 | 5-5 | 5-6     |
| 2 | 6-2 | 6-3 1/2 | 6-4 | 6-4 1/2 |
| 3 | 7-2 | 7-3 1/2 | 7-4 |         |



Comments: \_\_\_\_\_

Contractor Printed Name: Randy Hudson License No.: 29-367-29039

I hereby certify the system was installed in accordance with the referenced permit and R-61-56.

Contractor Signature: Randy Hudson

Date: 10-22-20

**Office Use Only:**

**APPROVAL BY DHEC TO OPERATE**  
(based on the information provided above)

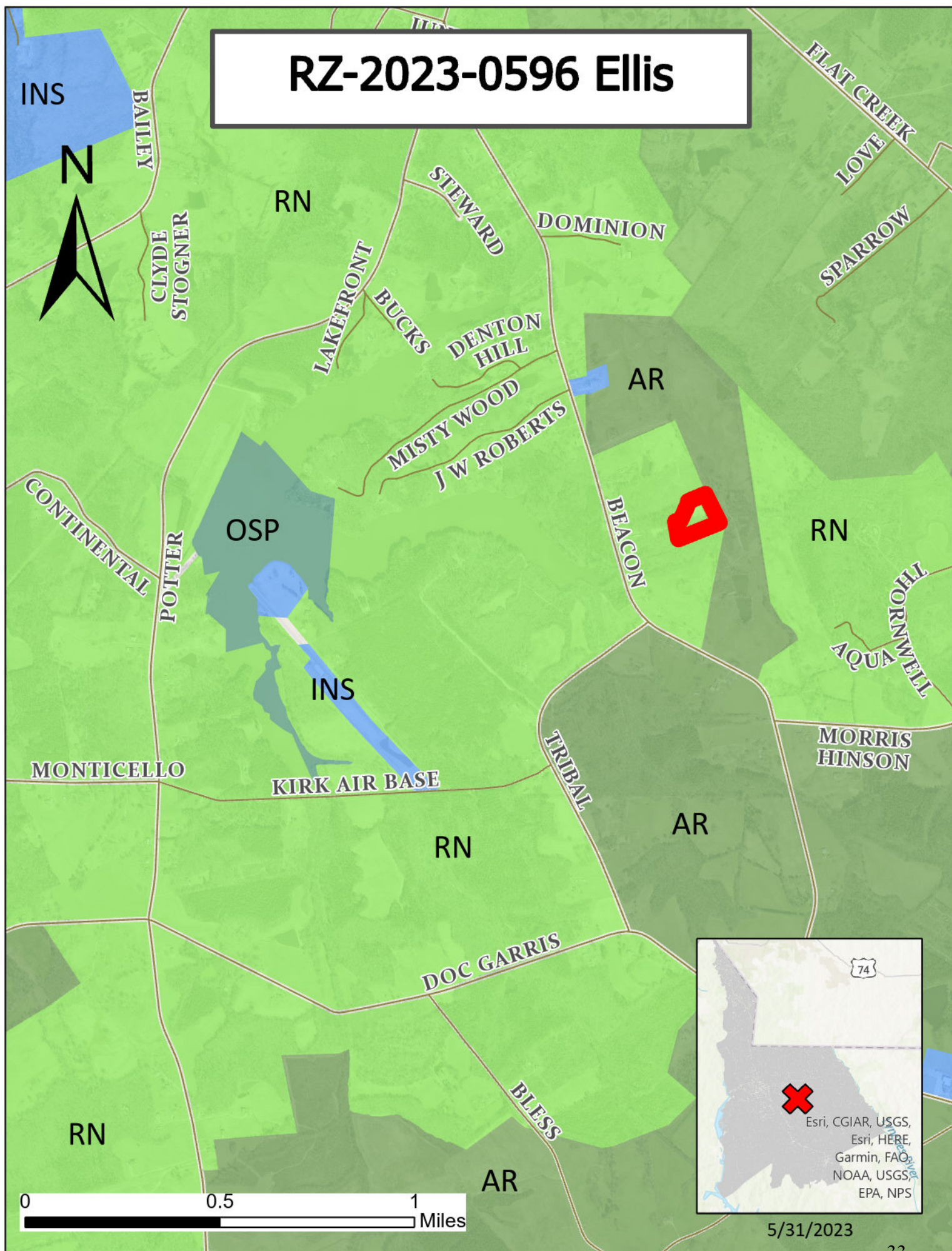
THIS CERTIFICATE MUST BE COMPLETELY FILLED OUT AND SUBMITTED TO THE LOCAL DHEC REGIONAL OFFICE. THE SYSTEM CANNOT BE PLACED INTO OPERATION UNTIL THIS FORM IS APPROVED AND SIGNED BY A DEPARTMENT REPRESENTATIVE.

Cathy Phillips

10-26-2020



# RZ-2023-0596 Ellis



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1860 / Planning Case Number: RZ-2023-0629

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

To approve or deny the proposed rezoning, which is an application by Teresa Johnson to rezone a 1.0 acre parcel at the corner of Mackey and Douglas Roads (TM# 0103F-0F-006.03) from Medium Density Residential (MDR) to Manufactured Housing (MH) District, in order to locate a mobile home on the property.

### **Points to Consider:**

The parcel is adjacent to the proposed MH zoning district.

The applicant does have a permit to operate from SCDHEC.

The applicant will need to go through the Zoning Department to obtain a permit for the mobile home if the rezoning is approved.

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

N/A

### **Recommendation:**

The proposed rezoning received unanimous recommendation for approval by Planning Commission at their June regular meeting with no discussion.

Staff recommends **Approval** of the request to rezone 1.0-acre (TM# 0103F-0F-006.03) from Medium Density Residential (MDR) District to Manufactured Home (MH) District.

### **ATTACHMENTS:**

| Description          | Upload Date | Type                  |
|----------------------|-------------|-----------------------|
| Ordinance 2023-1860  | 7/5/2023    | Ordinance             |
| Staff Report         | 6/13/2023   | Planning Staff Report |
| Application          | 5/9/2023    | Exhibit               |
| Johnson plat         | 5/9/2023    | Exhibit               |
| Septic Permit        | 5/9/2023    | Exhibit               |
| LCWSD Service letter | 5/9/2023    | Exhibit               |
| Johnson Deed         | 6/6/2023    | Exhibit               |
| Location Map         | 6/13/2023   | Exhibit               |

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1860

COUNTY OF LANCASTER

)

### AN ORDINANCE

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 1.0 ACRE (TM# 0103F-0F-006.03) LOCATED AT THE CORNER OF MACKEY AND DOUGLAS ROADS, FROM MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT TO MANUFACTURED HOUSING (MH) DISTRICT.**

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

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

The Council finds and determines that:

(a) Teresa Johnson applied to rezone a 1.0-acre parcel of real property (TM# 0103F-0F-006.03) owned by Ms. Johnson, being located at the intersection of Mackey and Douglas Roads, from Medium Density Residential (MDR) District to Manufactured Housing (AR) District.

(b) On June 20, 2023, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 7-0 vote, recommended approval of the rezoning request.

The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban SF/MF Residential & Commercial. The adopted Comprehensive Plan states that the Suburban MF Residential & Commercial Community Type “Suburban multifamily neighborhoods are generally formed as complexes or communities, with a relatively uniform housing type and density throughout. They support the highest residential density in the suburban landscape and may contain one of the following housing types: condominiums, townhomes, senior housing, or apartments. Suburban multifamily neighborhoods are found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers. Buildings are oriented interior to the site and typically buffered from surrounding development by transitional uses or landscaped areas. Large parking lots and low street connectivity are common in suburban multifamily neighborhoods.” The Transitional Future Land Use Category extends in a ring around the City of Lancaster from North Corner Road to the Edgewater Community in the South.

The requested MH District is consistent with the Future Land Use Category and the Comprehensive Plan.

#### **Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from Medium Density Residential (MDR) District to Manufactured Housing (MH) District, for the following property as identified by tax map numbers or other appropriate identifiers:



Tax Map No. (0089-00-086.01)

**Section 3.            Severability.**

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

**Section 4.            Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, 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 \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:            July 17, 2023  
Public Hearing:            July 17, 2023  
Second Reading:        August 14, 2023  
Third Reading:            August 28, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney

**PROPOSAL:** Request to rezone 1.0 acre of property

**PROPERTY LOCATION:** Corner of Mackey and Douglas Roads (TM# 0103F-OF-006.03)

**CURRENT ZONING DISTRICT:** Medium Density Residential (MDR) District

**PROPOSED ZONING DISTRICT:** Manufactured Housing (MH) District

**APPLICANT:** Teresa Johnson

**COUNCIL DISTRICT:** District 2, Charlene McGriff

**STATUTORY NOTICES:** Hearing notice published 6/3/2023 in The Lancaster News  
Signs posted 6/2/2023  
Mailed notices 6/11/2023  
Posted agenda in lobby 6/13/2023

## OVERVIEW:

### *Proposal*

The applicant has requested to rezone a parcel 1.0 acre in size. The intent is to allow placement of a mobile home on the property. A mobile home is permitted with review under the MH Zoning district. The applicant will have to go through the Zoning Department once the rezoning is passed to obtain a permit for the mobile home.

### *Site Information*

The parcel proposed to be rezoned is currently zoned for residential use but is vacant. This use would continue under the proposed zoning. The applicant provided a recorded plat that confirmed the parcel is one acre and would be a conforming lot if rezoned.

### *Summary of Adjacent Zoning and Uses*

The properties are surrounded predominantly by MH and MDR zoned properties. There is an MH parcel within 80 feet to the west across Mackey Road, and another less than 500 feet to the north.

| Adjacent Property | Jurisdiction     | Zoning District | Use                                |
|-------------------|------------------|-----------------|------------------------------------|
| North             | Lancaster County | MDR; MH         | Residential                        |
| South             | Lancaster County | LDR             | Residential, Agricultural          |
| East              | Lancaster County | MDR             | Residential                        |
| West              | Lancaster County | MH              | Residential (Manufactured Housing) |

## ANALYSIS & FINDINGS:

### *Zoning Districts*

As previously noted, the subject property is currently in the MDR District. Pursuant to UDO Chapter 2.3, the MDR District "...established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling

*units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district."*

### **Requested MH**

UDO Chapter 2.3 describes the requested MH District as "... accommodates manufactured homes in MH parks, subdivisions, and single lot districts."

### **Compatibility with Surrounding Area**

As noted previously, the subject property is predominately surrounded by the MDR and MH Districts. The surrounding uses are primarily residential in nature.

## **RELATIONSHIP TO PUBLIC PLANS**

The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban SF/MF Residential & Commercial. The adopted Comprehensive Plan states that the *Suburban SF Residential & Commercial* Community Type "urban single-family neighborhoods are formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from mobile homes to large lot, low-density single-family homes to denser formats of smaller single-family homes. Homes are oriented interior to the neighborhood and typically buffered from surrounding development by transitional uses or landscaped areas. Suburban single-family neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers." The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Future Land Use Category of the subject properties is Transitional, which corresponds to the Community Type of Suburban SF/MF Residential & Commercial. The adopted Comprehensive Plan states that the *Suburban MF Residential & Commercial* Community Type "Suburban multifamily neighborhoods are generally formed as complexes or communities, with a relatively uniform housing type and density throughout. They support the highest residential density in the suburban landscape and may contain one of the following housing types: condominiums, townhomes, senior housing, or apartments. Suburban multifamily neighborhoods are found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers needed to support these centers. Buildings are oriented interior to the site and typically buffered from surrounding development by transitional uses or landscaped areas. Large parking lots and low street connectivity are common in suburban multifamily neighborhoods." The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Transitional Future Land Use Category extends in a ring around the City of Lancaster from North Corner Road to the Edgewater Community in the South. The Transitional Future Land Use Category and Suburban SF/MF Residential & Commercial Community Type are intended to be Synonyms.

The requested MH District is consistent with the Future Land Use Category and the Comprehensive Plan.



| Suburban Single-Family/Multi-Family Neighborhood: Land Use Considerations |               |                                                       |
|---------------------------------------------------------------------------|---------------|-------------------------------------------------------|
| Mobile                                                                    | Modular Homes | School                                                |
| Single-Family Detached Home                                               | Church        | Community Park                                        |
| Single-Family Attached Home<br>(Town Home / Duplex)                       | Natural Area  | Community Center / Pool and<br>Recreational Amenities |

## INFRASTRUCTURE CONSIDERATIONS

### ***Transportation***

There are no issues with traffic generated from this request at this time.

### **Public Utilities**

Water is currently serving this site, there is a septic tank that has been permitted by SCDHEC.

### **Public Schools**

There are no capacity concerns for the schools within this area pertaining to this change.

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## PHOTOS OF PROJECT AREA:



*An ariel view of the subject property*



*Facing subject parcel off Douglas Rd*



*Facing subject parcel and Mackey Rd off Douglas Rd*





*Facing subject parcel and Douglas Rd*

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**STAFF RECOMMENDATION:**

Staff recommends **Approval** of the request to rezone 1.0-acre (TM# 0103F-OF-006.03) from Medium Density Residential (MDR) District to Manufactured Home(MH) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0103F-OF-006.03.00;
2. That the subject property is currently zoned MDR District and proposed to be rezoned MH District;
3. That the subject property has a Future Land Use designation of Transitional, and a Community Type of Suburban SF/MF Residential & Commercial; and
4. That the proposed MH District is generally consistent with the surrounding area which is comprised of MDR, MH and LDR Districts.

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**ATTACHMENTS:**

1. Rezoning Application
2. Recorded Plat
3. SCDHEC Permit
4. Location Map/ Zoning Map

**STAFF CONTACT:**

Matthew Blaszyk, Planner  
[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net) | 803-416-9380





Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721  
Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)  
[www.mylanastersc.org](http://www.mylanastersc.org)

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address TBD (corner of Mackey and Douglas Roads)  
City Lancaster State SC Zip 29720 Tax Parcel ID 0103F-0F-006.03  
Current Zoning MDR Current Use empty lot  
Proposed Zoning MH Total Acres 1.0  
Project Description I am wanting to place a double-wide mobile home on the property. This will be my personal residence.

Surrounding Property Description

The other properties on Mackey Road are evenly split between mobile homes and stick built homes.

CONTACT INFORMATION

Applicant Name Teresa Ann Johnson  
Address 2390 Mackey Road  
City Lancaster State SC Zip 29720 Phone 803-320-7119  
Fax 803-286-7123 Email reesasim@yahoo.com  
Property Owner Name Teresa Ann Johnson  
Address 2390 Mackey Road  
City Lancaster State SC Zip 29720 Phone 803-320-7119  
Fax 803-286-7123 Email reesasim@yahoo.com

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.

Leresa Anna Johnson  
Applicant

3/25/2023  
Date

Leresa Anna Johnson  
Property Owner(s)

3/25/2023  
Date

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

#### LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

#### SCHEDULE/PROCESS 1. Submit Application

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

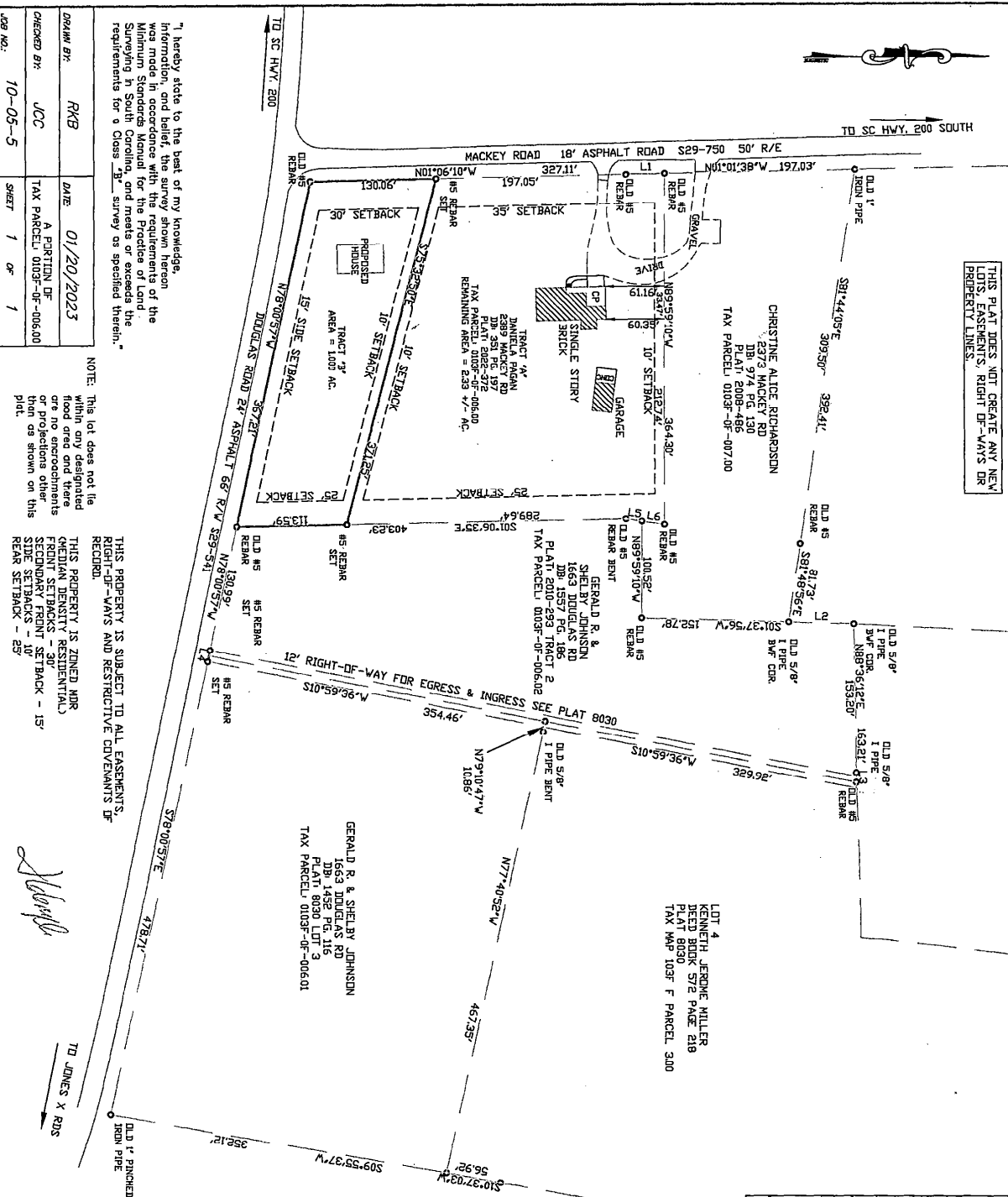
#### 2. Planning Commission

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

#### 3. County Council

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

THIS PLAT DOES NOT CREATE ANY NEW  
LOTS, EASEMENTS, RIGHT-OF-WAYS OR  
PROPERTY LINES.



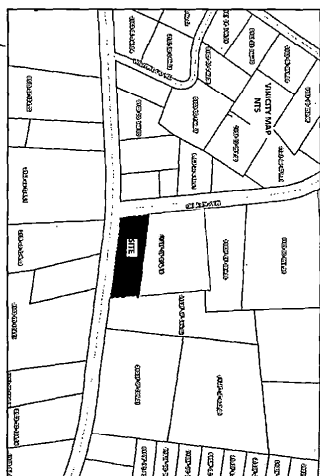
I, hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the laws of the State of South Carolina and the Surveyor's Code of Ethics and meets the requirements for a Class "B" survey as specified therein.

NOTE: This lot does not lie within any designated flood area and there are no encroachments or projections other than as shown on this plat.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESTRICTIVE COVENANTS OF RECORD.

THIS PROPERTY IS ZONED MDR (MEDIAN DENSITY RESIDENTIAL) FRONT SETBACKS - 30' SECONDARY FRONT SETBACK - 15' SIDE SETBACKS - 10' REAR SETBACK - 25'

|             |               |
|-------------|---------------|
| DRAWN BY:   | RKB           |
| CHECKED BY: | JCC           |
| DATE:       | 01/20/2023    |
| TAX PARCEL: | 0103-0F-00600 |
| SHEET:      | 1 OF 1        |



| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 40.05' | N01°06'12"W |
| L2   | 67.20' | N01°37'39"E |
| L3   | 10.01' | N88°36'12"E |
| L4   | 12.00' | N78°00'57"W |
| L5   | 16.55' | S08°17'41"W |
| L6   | 23.91' | S08°17'41"W |
| L7   | 10.86' | S79°10'47"E |

**2023000863**  
PLAT ANY SIZE  
RECORDING FEES \$25.00  
01-23-2023 02:10:28 PM  
BRITANNY GRANT  
REGISTERED SURVEYOR  
BY: TERRY PARKMAN  
BK: PLAT 2023  
PG: 27

Plat of Property of  
**TERESA JOHNSON**  
Located About  
4 Miles Southwest of  
Lancaster, South Carolina  
Lancaster County



Survey By: J. C. Crumpler  
S.C. Reg. No. 6574  
207 Chesterfield Avenue  
Lancaster, South Carolina





**PERMIT TO CONSTRUCT**  
Onsite Wastewater System

Permit ID: 29-2022-10-0020 v1.0  
County: Lancaster

Name: TERESA JOHNSON  
Type Facility: Residential  
Subdivision:  
Block: Lot: Track B

Site: 2389 MACKEY RD.,  
LANCASTER

Program Code: CONVENTIONAL  
System Code: 100  
TM #: 103F-0F-006.00  
Water Supply: Public Water Source

**PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS**

Daily Flow (gpd): 240      **Tank Sizes (gal):** Septic Tank: 1000      Pump Chamber:      Grease Trap:  
LTAR (g/d/ft<sup>2</sup>): .3      **Trenches:** Length (ft): 267      Width (in): 36      Max. Depth (in): 28      Agg. Depth (in): 14  
Min Pump Capacity: GPM at ft. of Head

**SPECIAL INSTRUCTIONS/CONDITIONS**

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ALTERNATIVE TRENCH PRODUCTS APPROVED UNDER STATE RULES AND REGULATIONS MAY BE SUBSTITUTED. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

Installers must contact the local Environmental Affairs office by 10:00 AM the day prior to installation in order to schedule a time for the final inspection. If a Department representative does not arrive within 30 minutes of the scheduled time, the installer may conduct the final inspection. When a contractor self-inspection occurs, the installer must complete DHEC form 3978, Approval to Operate Contractor Self-Inspection. The installer must submit the DHEC form 3978 within 2 business days of the completion of installation.

- All applicable setbacks set forth in Regulation 61-56 apply.
- Maximum Trench Depth not to exceed 28 inches. Do not install under wet conditions.
- Do not install the septic system within 5 feet from the property line. No parking, driving, building, or paving over the area of septic system and the repair area before or after installation. Do not cut, fill, or change the grade of the natural soils in the septic system area.
- A pump may be necessary in the repair area.

**PERMIT TO CONSTRUCT SYSTEM DIAGRAM**

See System Diagram on page 2 of this document.

Issued/Revised By:

Date: January 24, 2023

DHEC 1781 (01/2014)

This Permit is Appealable Under the Administrative Procedures Act.  
This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.  
There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.

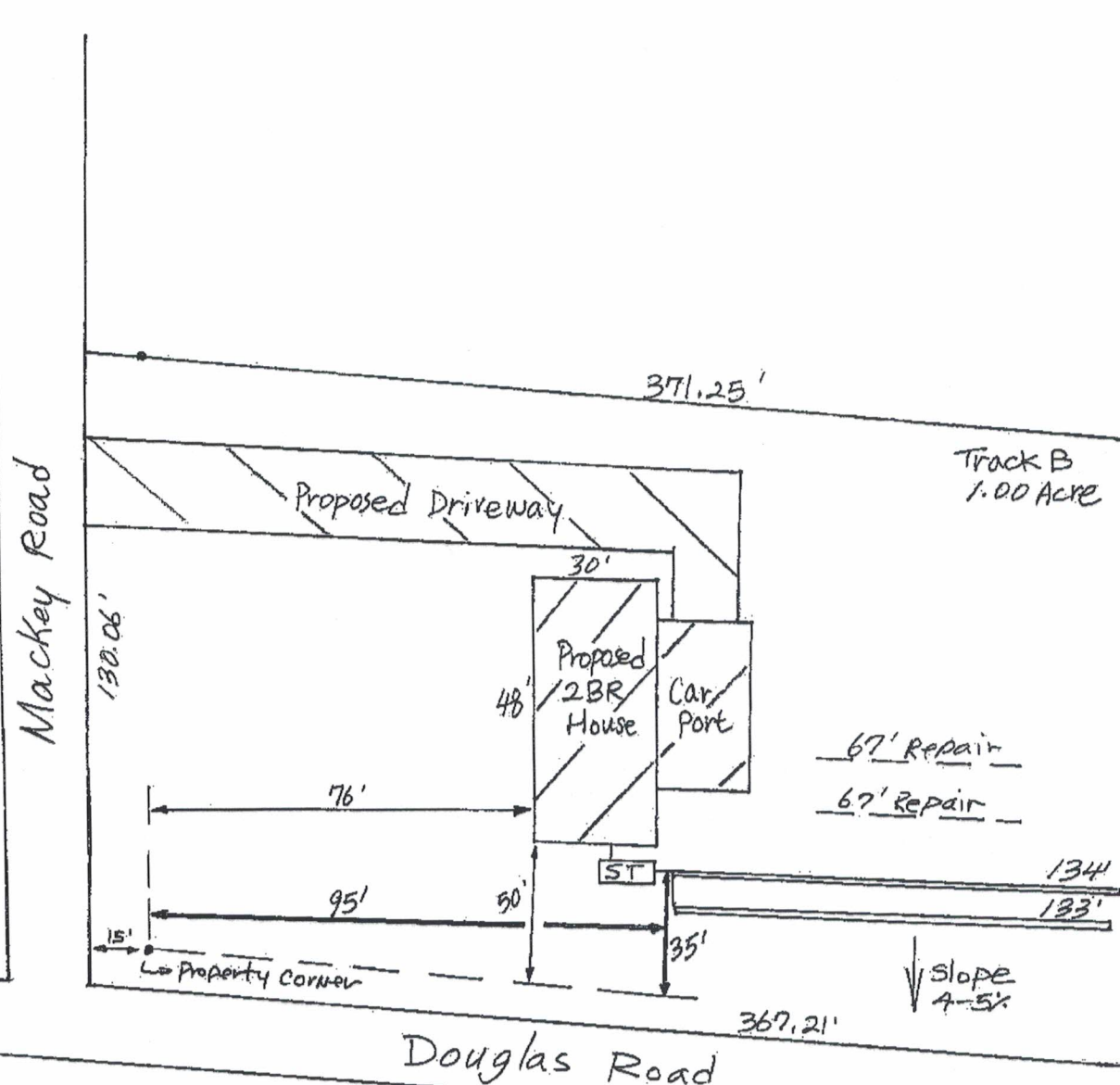


**PERMIT TO CONSTRUCT**  
Onsite Wastewater System

Applicant: TERESA JOHNSON  
Permit ID: 29-2022-10-0020 v1.0  
County: Lancaster

PERMIT TO CONSTRUCT SYSTEM DIAGRAM

NTS



MLW



*DATE 2-3-23*

*This is to verify that Lancaster County Water & Sewer District has water service available provided all local, state, and LCWSD policies are followed and fees are paid in full.*

*Parcel: 0103F-0F-006.03*

*Name: Teresa Johnson*

*If you have any questions concerning this please call our office at 803-285-6919.*

*Thank you,*

*Laura Watterson*

*Lancaster County Water & Sewer District*



LANCASTER COUNTY, SC  
2023000889 DEED  
RECORDING FEES \$15.00  
STATE TAX \$0.00  
COUNTY TAX \$0.00  
PRESENTED & RECORDED  
01-23-2023 03:35:59 PM  
BRITTANY GRANT  
REGISTER OF DEEDS  
LANCASTER, COUNTY SC  
By: CANDICE PHILLIPS  
BK:DEED 1629 PG:13-16

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT **Daniela Pagan** (hereinafter called "Grantors") in the State aforesaid, for and in consideration of the sum of TWELVE THOUSAND AND 00/100 (\$12,000.00) Dollars, to him paid by **Teresa Ann Johnson** (hereinafter called "Grantee/s") in the State aforesaid (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these Presents (do(es) grant, bargain, sell and release, unto the said:

All that certain piece, parcel or lot of land, lying, being and situate with any and all improvements thereon, shown as Tract B containing 1.00 acres, more or less as shown on plat prepared for Teresa Johnson prepared by J.C. Crumpler dated January 20, 2023 and recorded January 23, 2023 in Book 2023 at Page 27 in the Office of the Register of Deeds for Lancaster County, South Carolina. Plat is craved for a more accurate description as to metes and bounds.

Grantee's Address: 2390 Mackey Rd. Lancaster, SC 29720

TOGETHER will all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said **GRANTEE/S**, Their Heirs and/or Assigns forever.

AND the said **GRANTOR/S** do hereby bind themselves and their heirs and/or assigns to warrant and forever defend all and singular the said premises unto the said **GRANTEE/S**, Their Heirs and/or Assigns, against Themselves and Their Heirs and/or Assigns and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

ADDITIONAL PAGE INTENTIONALLY LEFT BLANK

WITNESS our Hand(s) and Seal(s) this 21<sup>st</sup> day of January in the year of our Lord 2023.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Gulby R. Johnson  
Witness #1

Daniela Pagan  
Daniela Pagan

[Signature]  
Witness #2

STATE OF South Carolina )  
COUNTY OF Lancaster )

ACKNOWLEDGEMENT

I, Gerald R. Johnson Jr., Notary Public for the State of SC

do hereby certify that GRANTOR/S personally appeared before me this day and acknowledged the due execution of the foregoing deed.

Sworn before me this 21<sup>st</sup> day of January, 2023

Gerald R. Johnson Jr.  
Notary Public for the State of SC

My Commission Expires: 4 / 8 / 2030



STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER )

AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at Tract B was transferred by Daniela Pagan to Teresa Ann Johnson dated 01/21/2022.
3. The deed is exempt from the deed recording fee because (See information section of affidavit):  
that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed. Code Section 12-24-30, - see exemption #12 (Code Section 12-24-40(12))
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney.
5. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

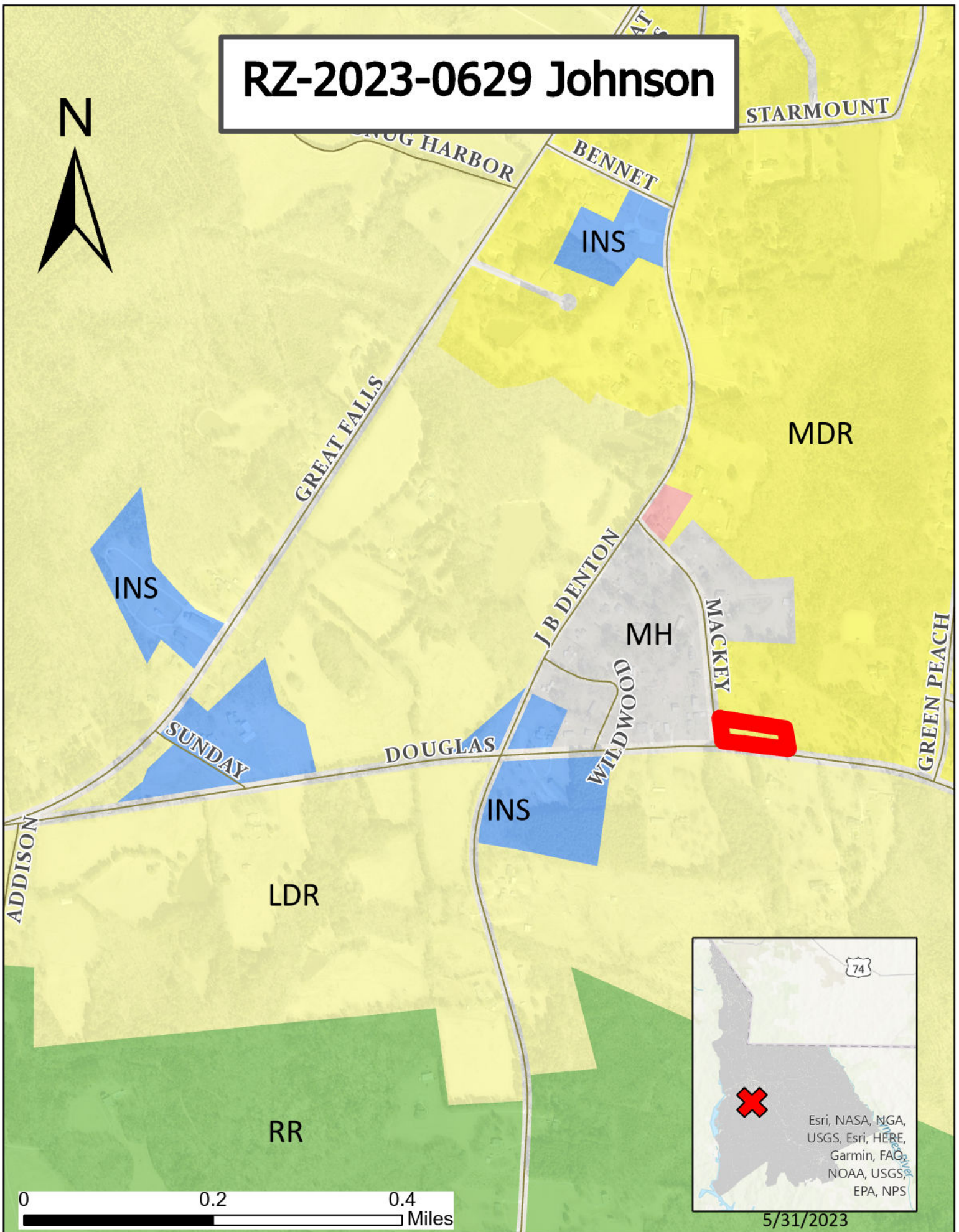


SWORN to before me this 23  
day of Jan 2023

Ashaka Mukuliyil

Notary Public for S  
My Commission Expires: 9/25/30

# RZ-2023-0629 Johnson



## Agenda Item Summary

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Ordinance # / Resolution #: Resolution 1242-R2023  
Contact Person / Sponsor: Dennis Marstall / Administration  
Department: Administration  
Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Council is being asked to approve the issuance of installment purchase revenue bonds for both the construction and equipping of a new Detention Center and Regional Park projects.

### **Points to Consider:**

This Resolution authorizes the County Administrator to move forward with the issuance of installment purchase revenue bonds for the Detention Center and Regional Park projects. The Resolution approves the engagement of Burr and Forman LLP as Bond Counsel; Compass Municipal Advisors, LLC, as Financial Advisor; Piper, Sandler & Company, as Underwriter; Pope Flynn LLC, as Underwriter's Counsel; AMTEC, as Arbitrage Rebate Analyst; and Regions Bank, as Trustee. The Resolution also declares the County's intent to reimburse themselves from a portion of the proceeds for legally authorized expenses and also authorizes the County Administrator to provide for the structure and incorporation of the Corporation and obtaining its 501(c)(3) designation.

If the Resolution is adopted, Bond Counsel will bring an Ordinance back before Council to finalize the authorization of the bonds with a not to exceed amount in September and have the bonds finalized with sale by December of 2023.

A timeline of activities and actions needed to complete a bond sale by December 2023 is attached to this agenda item.

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

The funding and liability factors will be discussed during the Council meeting outlining proposed amounts to be financed for both the regional park and detention center, with financing costs for a 20 year bond.

### **Recommendation:**

Approve Resolution 1242-R2023.

### **ATTACHMENTS:**

| Description                                              | Upload Date | Type            |
|----------------------------------------------------------|-------------|-----------------|
| Resolution 1242-R2023                                    | 8/9/2023    | Resolution      |
| Timeline of activities and actions to complete bond sale | 8/10/2023   | Backup Material |



STATE OF SOUTH CAROLINA

)

RESOLUTION NO. 1242-R2023

COUNTY OF LANCASTER

)

**AUTHORIZING THE COUNTY ADMINISTRATOR TO UNDERTAKE ACTIONS NECESSARY FOR THE ISSUANCE AND SALE OF INSTALLMENT PURCHASE REVENUE BONDS; APPROVING THE ENGAGEMENT OF CERTAIN PROFESSIONAL FIRMS TO ASSIST THE COUNTY IN CONNECTION WITH THE ISSUANCE AND SALE OF INSTALLMENT PURCHASE REVENUE BONDS; AUTHORIZING REIMBURSEMENT OF EXPENSES INCURRED PRIOR TO THE ISSUANCE OF INSTALLMENT PURCHASE REVENUE BONDS; AND OTHER MATTERS RELATING THERETO.**

WHEREAS, Lancaster County, South Carolina (the "County") is in need of constructing and equipping a new detention center and regional park (the "Projects"); and

WHEREAS, it is necessary to provide for financing of the Projects; and

WHEREAS, County Council has been advised of a financing program (the "Financing Program") whereby a non-profit corporation (the "Corporation") will issue, sell and deliver installment purchase revenue bonds (the "Bonds") on behalf of the County, the proceeds of which will be used to defray the costs of the Projects and costs of issuance of the Bonds; and

WHEREAS, it is necessary and in the best interest of the County to authorize the County Administrator to take certain actions and to select and retain certain professional firms to undertake the Financing Program.

**NOW, THEREFORE**, be it resolved by the Council:

1. County Council hereby approves the engagement of Burr & Forman LLP, as Bond Counsel, Compass Municipal Advisors, LLC, as Financial Advisor, Piper, Sandler & Co., as Underwriter, Pope Flynn LLC, as Underwriter's Counsel, AMTEC, as Arbitrage Rebate Analyst, and Regions Bank, as Trustee in connection with the issuance of the Bonds. The County Administrator may, upon the advice of Bond Counsel and the Financial Advisor, substitute a bank or other lending institution for the services of the Underwriter or Trustee.

The County Administrator is fully empowered and authorized to take such further actions and to execute and deliver such additional documents as may be necessary to effect the engagement of such professionals.

2. County Council will, pursuant to an ordinance duly and lawfully adopted, take all action necessary to effectuate the issuance of the Bonds, including identifying the scope and the cost of the Projects. County Council may, upon recommendation of the County Administrator, include renovations, additions and upgrades to one or more additional County facilities in the scope of the project.

3. This Resolution shall constitute the County's declaration of official intent pursuant to Regulation §1.150-2 of the Internal Revenue Code of 1986, as amended (the "Code") to reimburse the County from a portion of the proceeds of the Bonds for expenditures it anticipates incurring (the



“Expenditures”) with respect to the Projects prior to the issuance of the Bonds. The Expenditures which are reimbursed are limited to Expenditures which are: (1) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1.150-2 of the Code) under general federal income tax principals; or (2) certain de minimis or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the Code. The source of funds for the Expenditures with respect to the Projects will be the County’s reserve funds. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of: (a) the date on which the Expenditures were paid; or (b) the date such Projects were placed in service, but in no event more than three (3) years after the original Expenditures.  
reimbursement

4. County Council hereby authorizes the County Administrator to provide for the structure and incorporation of the Corporation and obtaining its 501(c)(3) designation.

5. This resolution is effective upon its adoption.

Adopted this 14th day of August, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

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Steve Harper, Chair, County Council

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Billy Mosteller, Secretary, County Council

Approved as to form:

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County Attorney

ATTEST:

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Sherrie Simpson, Clerk to Council

## **PROPOSED TIMELINE FOR INSTALLMENT PURCHASE REVENUE BONDS**

| <b>Date</b>           | <b>Action</b>                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| By August 31          | Preparation of financing documents to be attached to Ordinance including Base Lease and Conveyance Agreement, Installment Purchase and Use Agreement, Trust Agreement, Preliminary Official Statement and Bond Purchase Agreement |
| September 6           | Publish Notice of Public Hearing                                                                                                                                                                                                  |
| September 11          | First reading of Ordinance                                                                                                                                                                                                        |
| September 25          | Second reading of Ordinance and public hearing                                                                                                                                                                                    |
| October 2             | Title work completed                                                                                                                                                                                                              |
| October 4 (tentative) | Corporation meeting                                                                                                                                                                                                               |
| October 9             | Third reading of Ordinance                                                                                                                                                                                                        |
| October 16            | Transmit POS to Moody's                                                                                                                                                                                                           |
| Week of October 23    | Rating Call                                                                                                                                                                                                                       |
| November 7            | Rating received                                                                                                                                                                                                                   |
| November 16           | Bond Sale                                                                                                                                                                                                                         |
| December 14           | Closing                                                                                                                                                                                                                           |

## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1858

Contact Person / Sponsor: Ginny L. Merck-Dupont / County Attorney and Dennis Marstall / County Administration

Department: Attorney

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Approve an Ordinance to merge the Pleasant Valley and Indian Land Fire Districts into one fire district titled the Indian Land Fire District.

### **Points to Consider:**

**As part of the second reading, Council voted to establish a 5-member, permanent consolidation board of residents within the fire protection district to recommend an annual budget for the fire district and make any other recommendations they may identify. The Ordinance for third reading has been amended to reflect that change.**

In October 2022, County Council received the request that both the Pleasant Valley Fee Board and the Indian Land Fee Board want to merge into one district under the name of Indian Land Fire District.

Since that time, County Council has received several presentations about the future of the County fire service considering staffing needs, response times, and the role of volunteers. The Council also received specific information regarding Pleasant Valley and Indian Land related to their proposed 24/7 staffing model and increasing the present \$90 rooftop fee.

In planning this merger, the County would look to unify the Fire Districts into a single, fire service area under the Enabling Act, which it believes will: (a) attract new firefighters (both paid and volunteer); (b) retain existing firefighters (both paid and volunteer); (c) allow for proper training of new and existing firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the county; and (f) more effectively and equitably spread the cost of fire services throughout the county.

Key components of the merger Ordinance is that it:

- Would be effective September 15, 2023
- Establish a 5-member Commission for the District to propose an annual budget within District revenues
- Would make the District an Administrative Division of the County and transfer the limited assets of both districts to the County, that are not already under the County's ownership.
- Pay off the remaining bonds on the Pleasant Valley fire station with County fund balance and allow County Council to determine if it wants to collect payment from the new district or consider a forgivable loan and direct payment towards the planning of a new fire station within the District
- Adjust the district rooftop fee and ERU basis
- Amend the FY24 budget in September 2023 to account for the consolidated budget of the district and the new rooftop fee.

Both the Pleasant Valley and Indian Land Fee Boards have reviewed the components of the merger Ordinance and still remain very supportive of the merger and adjusting the rooftop fee.

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

Pleasant Valley is presently operating with the \$932,428 budget for FY 23 and Indian Land is operating with a \$1,201,707 million budget for FY 23 for a combined budget of \$2,134,135.

The merged district is proposing a \$4,270,151 budget for FY24 to achieve their operating and staffing needs and pay at the higher proposed fire pay.

A budget of this amount will require a higher "rooftop" fee and adjustment to the ERU. County Council has previously



discussed raising the rooftop fee to \$150 and lowering the ERU to 1,000 square feet, which would generate \$3,981,450 between the residential and commercial assessments at this amount.

**Recommendation:**

Adopt the Merger Ordinance and establish a new ERU structure.

**ATTACHMENTS:**

| Description                                      | Upload Date | Type                   |
|--------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1858                              | 8/10/2023   | Ordinance              |
| Notice of Public Hearing for Ordinance 2023-1858 | 8/8/2023    | Public Hearing Notices |

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

ORDINANCE NO. 2023-1858

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE TO CONSOLIDATE THE PLEASANT VALLEY FIRE PROTECTION DISTRICT AND THE INDIAN LAND FIRE PROTECTION DISTRICT INTO A SINGLE, UNIFIED FIRE PROTECTION DISTRICT; AUTHORIZING AN AMENDMENT TO THE COUNTY'S FISCAL YEAR 2023-24 BUDGET; AND OTHER MATTERS RELATING THERETO.

**WHEREAS**, the County Council of Lancaster County (the "**County Council**"), the duly elected governing body of Lancaster County, South Carolina ("**County**"), is empowered pursuant to Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the "**Enabling Act**"), "[t]o establish, operate, and maintain a system of fire protection" within the County.

**WHEREAS**, pursuant to the Enabling Act and Ordinance No. 724 dated February 27, 2006 and Ordinance No. 1083 dated February 1, 2011 (together, the "**Fire Ordinance**"), the County previously established the Pleasant Valley Fire Protection District (the "**PV Fire District**") and the Indian Land Fire Protection District (the "**IL Fire District**" and together with PV Fire District, the "**Fire Districts**").

**WHEREAS**, the Fire Districts (a) were each established as county fire service areas under the Enabling Act; (b) currently provide fire protection services within defined areas (as described in the their respective creation ordinances); (c) are each governed by a fire commission consisting of five members, including the respective fire chief; and (d) each impose fees or charges for fire service within their respective service areas.

**WHEREAS**, the County Council seeks to restructure the organization of fire services in the County by unifying the Fire Districts into a single, unified fire service area under the Enabling Act (the "**Consolidation**"), which shall be reconstituted as the "Indian Land Consolidated Fire Protection District" (the "**Indian Land Fire District**"). The County Council has determined that the Consolidation will: (a) attract new firefighters (both paid and volunteer); (b) retain existing firefighters (both paid and volunteer); (c) allow for proper training of new and existing firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the County; and (f) more effectively and equitably spread the cost of fire services throughout the County.

**WHEREAS**, the naming conventions for all existing fire station facilities and equipment may be initially be sustained, but are later intended to be updated, revised or amended to denote the Indian Land Fire District as may be determined from time to time by County Council.

**WHEREAS**, the County Council has determined to amend and restate the Fire Ordinance in its entirety, as now codified at Chapter 14, Article VI of the County's Code of Ordinances, in order to implement the Consolidation.

**WHEREAS**, as of the date hereof, there is currently outstanding \$1,070,000 of the original principal amount \$1,935,000 General Obligation Bond (Pleasant Valley Fire Protection District), Series 2015B (the “**Outstanding GO Bond**”) maturing on March 1, 2030.

**WHEREAS**, the Outstanding GO Bond was issued for the benefit of PV Fire District, and, absent the consent of the holder thereof, is not subject to optional redemption until March 1, 2025.

**WHEREAS**, as a result of the Consolidation, the County Council has determined to effect a cash defeasance (or negotiated redemption, as applicable) of the Outstanding GO Bond with available unrestricted monies in the general fund.

**WHEREAS**, the funds necessary to pay to legally defease the Outstanding GO Bond on or around September [15], 2023 are not currently budgeted in the fiscal year 2023-2024 annual budget, and the Consolidation, generally, will require a Budget Amendment (as defined herein) to duly and properly authorize the defeasance and/or redemption of the Outstanding GO Bond and to fund the ongoing operations of the Indian Land Fire District.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL**, as follows:

**Section 1      Recitals.** Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct. The County Council has determined that its actions herein satisfy all of the requirements and conditions set forth and established in the Enabling Act. The County Council believes that it is in the best interest of the County to undertake the Consolidation under the Enabling Act. Further, and as required by the Enabling Act, the County Council finds and determines that the establishment of the Indian Land Fire District satisfies the requirements and conditions set forth in Section 4-19-10 of the Enabling Act.

**Section 2      Generally.** This Ordinance is intended to amend and restate the Fire Ordinance in its entirety, and this Ordinance shall be controlling in all cases.

**Section 3      Amendment of Chapter 14, Article VI of the County’s Code of Ordinances.** The Fire Ordinance, as codified in the County’s code of ordinances at Chapter 14 – “Fire Prevention and Protection”, Article VI – “Fire Protection Districts”, Division 1 – “Pleasant Valley Fire Protection District” and Division 2 – “Indian Land Fire Protection District” shall be amended and restated in its entirety, as follows:

## **Chapter 14 – FIRE PREVENTION AND PROTECTION**

### **Article VI – Fire Protection Districts**

#### **Division 1 – Indian Land Consolidated Fire Protection District**

### **Sec. 14-131. Findings of Fact.**

As an incident to the enactment of this article, Lancaster County, South Carolina (the “county”), the County Council of Lancaster County, the governing body of the county (the “council”), finds that there shall be enacted a uniform ordinance for the operation of the system of fire protection within communities generally known as Indian Land and Pleasant Valley.

(1) Pursuant to the provisions of the Title 4, Chapter 19 of the Code of Laws of the South Carolina 1976, as amended (the “Enabling Act”), the council is empowered to establish, operate, and maintain a system of fire protection within designated areas of the county in order to provide the residents and property owners who reside and own property located within the designated areas with fire protection services.

(2) Pursuant to the Enabling Act and Ordinance No. 724 dated February 27, 2006 and Ordinance 1083 dated February 1, 2011, the council previously established the Pleasant Valley Fire Protection District and the Indian Land Fire Protection District within the county (together, the “Fire Districts”).

(3) The county seeks to restructure the organization of fire services in certain unincorporated parts of the county by unifying the Fire Districts into a single, unified fire service area under the Enabling Act, which it believes will: (a) attract new firefighters (both paid and volunteer); (b) retain existing firefighters (both paid and volunteer); (c) allow for proper training of new and existing firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the county; and (f) more effectively and equitably spread the cost of fire services throughout the county.

(4) Pursuant to Ordinance No. 2023-1858, dated August 14, 2023 (the “Consolidation Ordinance”), the Fire Districts are hereby unified and reconstituted into a single fire service area (the “Consolidation”) established and reconstituted thereby to be known as the “Indian Land Consolidated Fire Protection District” (the “Indian Land Fire District”).

### **Sec. 14-132. Establishment.**

By this division, council hereby establishes the Indian Land Consolidated Fire Protection District pursuant to the Enabling Act.

### **Sec. 14-133. Service Area.**

(a) The area to be included in the Indian Land Fire District is described below, and an initial map of such area is attached hereto as Appendix 1. Such map shall be



kept and retained by the council and made available upon request.

BEGINNING at the point of the intersection of the jurisdictional boundaries of Lancaster County and York County in the State of South Carolina, and Mecklenburg County in the State of North Carolina,

then continuing generally southward along Sugar Creek to the confluence with the Catawba River (being approximately 1,350 feet northwest of the dead end of Little River Rd), following the boundary of Lancaster County and York County, and continuing in a southerly direction along the Catawba River to the point of the southernmost property boundary of land now or formerly owned by the W Olin Nisbet Jr Family, TMS No. 0019-00-001.00 (which is approximately 6,620 feet northwest of Van Wyck Rd);

then following the southernmost property boundary of Nibet family land to the point of intersection with property now or formerly owned by White Farm LLC, TMS No. 0019-00-032.00;

then following the boundary of said property in a northeastern direction to the point where the boundary reaches the right-of-way of Van Wyck Rd and abuts property now or formerly owned by Barbara Dandridge, TMS 0019-00-030.01;

then paralleling said property and the northern edge of Van Wyck Rd right-of-way, following Van Wyck Rd in a northeasterly direction to a point approximately 800 feet northeast of the intersection of Van Wyck Rd and the centerline of Tranquility Blvd, being the point of the northeasternmost boundary of property now or formerly owned by Tree Tops Homeowners Association, TMS No. 0019J-0A-001.01; then turning in a southeastern direction to follow the Tree Tops Homeowners Association property boundary as it shares boundaries with the following TMS Nos:

- (1) 0019-00-027.14, now or formerly owned by Mary Nisbet Purvis;
- (2) 0019-00-029.00, now or formerly owned by Robert D. Wilson Sr Trustees;
- (3) 0019-00-035.00, now or formerly owned by Helen W. Davis;
- (4) 0019-00-027.09, now or formerly owned by Thomas W. Pickard;
- (5) 0019-00-027.07, now or formerly owned by Robert Andrew Wright;
- (6) 0019-00-036.00, now or formerly owned by Olin S. Wilson;
- (7) 0019-00-024.01, now or formerly owned by Charles F & Jerri T Laney;
- (8) 0019-00-023.02, now or formerly owned by Vijaya Kumar Reddy Trustees;
- (9) 0019-00-022.00, now or formerly owned by Robert C. Petrillo,
- (10) 0019-00-022.06, now or formerly owned by Paul R. Petrillo,
- (11) 0019-00-040.00, now or formerly owned by Gene D. Tillman; and
- (12) 0019-00-041.00, now or formerly owned by Olin S. Wilson;

then the boundary travels south and east, following Twelve Mile Creek approximately 5,250 feet, which forms the northern boundary of property now or formerly owned by SC JMB Land Company LLC, being TMS No. 022-00-006.00 and 0020-00-052.00, said boundary somewhat paralleling the Monroe Subdivision rail line (now or formerly owned by CSX Transportation);

then reaching the easternmost point of TMS No. 0020-00-052.00, now or formerly owned by SC JMB Land Company LLC, and being approximately 4,920 feet southwest of the right-of-way of Charlotte Highway/SC Highway 521, as measured along the rail line;

then turning southeast to cross the Monroe Subdivision rail line and continue along the property boundary between parcels identified as TMS No. 0020-00-052.00 and TMS No. 0020-00-051.00, both now or formerly owned by SC JMB Land Company LLC, to a point of intersection with properties identified as follows:

0020-00-052.00, now or formerly owned by SC JMB Land Company LLC;  
0020-00-051.00, now or formerly owned by SC JMB Land Company LLC;  
0022-00-006.00, now or formerly owned by SC JMB Land Company LLC; and  
0021-00-024.00, now or formerly owned by MCP SC Land LLC

then the boundary continues in a northeasterly direction along the boundary of TMS No. 0020-00-051.00 for approximately 2710 feet before shifting southeast along the boundary between TMS No. 0020-00-027.01, now or formerly owned by Ronald T. Liles Trustees, and TMS No. 0021-00-001.00 now or formerly owned by Eunice C. Jackson Trustees;

then the boundary follows the said property line, traveling approximately 2,505 feet to the point where it reaches and crosses Charlotte Highway/SC Highway 521;

then the boundary follows the northeastern right-of-way boundary of Charlotte Highway/SC Highway 521 for approximately 2,500 feet, passing the following properties:

- (1) TMS No. 0020-00-026.00, now or formerly owned by the Lancaster County School District;
- (2) TMS No. 0021-00-005.00, now or formerly owned by Luther E & Eunice C TR Jackson;
- (3) TMS No. 0021-00-005.00, now or formerly owned by Arthur Lim Trustee and Ofelia Lim Trustee; and
- (4) TMS No. 0021-00-005.00, now or formerly owned by Arthur Lim Trustee and Ofelia Lim Trustee;

then the boundary follows the centerline of Niven Rd for approximately 3,600 feet to the Union County, North Carolina Line;

the boundary then turns north and follows the jurisdictional line between Lancaster County, SC and the State of North Carolina, from Niven Road and to the point where the jurisdictional line between Lancaster County, SC and Union County, NC crosses Twelve Mile Creek;

then heading in a northwesterly direction to following the jurisdictional line between South Carolina and North Carolina to the point of the intersection of the boundary of Lancaster County and York County in the State of South Carolina, and Mecklenburg County in the State of North Carolina, being the point of BEGINNING.

(b) The county fire service and rescue division shall arrange for the preparation and promulgation of maps, charts, and other demographic information as necessary to depict the service area of the Indian Land Fire District as it may change over time. Such maps may be relied upon for the purpose of levying taxes or fees under Section 14-136 below.

#### **Sec. 14-134. Operations; Duties; Authorization.**

- (a) The county hereby creates the “county fire service and rescue division”, as an administrative division of the County. The county fire service and rescue division shall represent, manage, and control the daily operations of the Indian Land Fire District.
- (b) As contemplated by Sec. 14-139(2) below, all fire personnel, including the Fire Chief, all executive staff and all paid staff, shall be considered county employees and subject to the same county policies, procedures, and regulations, as similarly situated county employees. All volunteers, shall be subject to county policies, procedures and regulations as applicable. Further, all fire personnel shall be managed by the county fire service and rescue division.
- (c) All fire-related assets (real property, personal property, cash, investments or technology) of the Indian Land Fire District shall be controlled by and titled in the name of the county. To the extent any assets are listed in the name of the Indian Land Fire District or any other no longer-existing Fire District, the county, acting through the county administrator, is authorized to undertake all necessary actions to affect the proper transfer of any such assets to the county.

## **Sec. 14-135. Commission**

(a) The county hereby creates the “Indian Land Consolidated Fire Commission” (the “Commission”). The Commission shall consist of five members, two of whom shall be residents of the area formerly served by the Pleasant Valley Fire Protection District (as previously created by Ordinance No. 724 dated February 27, 2006, which is now repealed) and, three of whom shall be residents of the area formerly served by the Indian Land Fire Protection District (as previously created by Ordinance No. 1083 dated February 1, 2011, which is now repealed) (together, the “Members”).

(b) Members

(i) The Members shall be appointed by the council. In order to qualify as a Member or a successor Member, each such person (1) shall be a resident elector in the county, and (2) reside within the areas in subsection (a) above.

(ii) The initial Members shall be appointed to serve the following initial staggered terms in order to ensure continuity of experience on the Commission in the future.

- The first three initial Members (two from the former Indian Land Fire Protect District area, and one from the former Pleasant Value Fire Protection District area) appointed shall serve for an initial term ending December 31, 2024; and
- The second two initial Members (one from each former district) appointed shall serve for an initial term ending December 31, 2026.

Thereafter, any future Members shall be appointed by council for a term of 4 years (beginning on January 1 of the applicable year), or until such time as such Member’s seat upon the Commission has been filled through a subsequent appointment by the council. The initial Members may be renewed as a Member and Members may be appointed to an unlimited number of terms.

(iii) The council may suspend, expel or terminate any Member upon a showing of good cause.

(iv) Any Member may resign, at any time, by delivering written notice to the council or the President (as described below), as the presiding officer of the Commission.



- (v) Any Member of the Commission who shall be absent from 50% or more of the meetings of the Commission during any 12-month period shall be deemed to have forfeited their membership on the Commission, and shall be deemed to have automatically resigned from the Commission.
  - (vi) Vacancies, for any reason, on the Commission for service of an unexpired term of an initial Member or any regular Member shall be filled in the same manner as their original appointment.
- (c) Members – Generally.
- (i) Each Member shall be entitled to one vote on each matter submitted to or considered by the Commission.
  - (ii) Members of the Commission shall serve without pay; however reasonable travel and other incidental expenses may be provided upon approval of county staff. Written documentation of any expenses and reimbursement shall be submitted on forms provided by the county. Further any expenses and reimbursement shall be subject to compliance with the statutes, ordinances, policies and procedures established by the council for reimbursement of expenses for county boards, agencies and commissions.
- (d) The Commission is subject to and governed by the provisions of the South Carolina Freedom of Information Act, as codified at S.C. Code Ann 30-4-10 et seq., as amended (the “Freedom of Information Act”). The Commission expects and intends to comply with the provisions of the Freedom of Information Act in all of its actions and activities. The public shall be notified of meetings of the Commission and all meetings shall be conducted in every respect in the manner required by the Freedom of Information Act. The records of the Commission, except as the Freedom of Information Act or any other laws or provisions of the State of South Carolina or federal law otherwise permit, shall be open to the public in the manner required by the Freedom of Information Act.
- (e) As necessary for the efficient operation of the Commission and subject to the approval of the council by resolution, the Commission may establish separate bylaws, procedural rules and policies to govern its operations.
- (f) The following provisions shall apply with respect to the meetings and actions of the Commission:
- (i) The Commission shall meet at regular intervals, but not less frequently than four times per year.

- (ii) The presiding officer or a simple majority of the Members may call special meetings of the Commission at any time.
  - (iii) A majority of the Members then in office shall constitute a quorum. If a quorum is present when a vote is taken, unless otherwise specifically provided in herein, the affirmative vote of a majority of Members present shall constitute the act of the Commission.
  - (iv) The Commission is authorized to conduct all meetings, regular meetings and specially-called meetings exclusively in electronic form (or a hybrid-thereof wherein some Members are physically present in a location and others are participating electronically), provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, complies with the Freedom of Information Act and allows for the capability for all Members to be heard at all times by any other Members and by the general public (excepting executive sessions or other periods closed to public by law). All electronic meetings are subject to the applicable notice requirements of the Freedom of Information Act. Participation by electronic means shall constitute presence for the purpose of establishing a quorum.
  - (v) No votes by proxy shall be permitted under any circumstances.
- (g) The following provisions shall apply with respect to officers of the Commission:
- (i) The officers of the Commission shall be a President, a Secretary, and a Treasurer. The President and the Secretary shall be elected for a one year term by a majority of the Members then in office; provided that if an officer's term expires, they shall continue to serve until his successor is elected and qualified. Officers may succeed themselves through re-election. The Commission may elect such other officers as it shall deem desirable, including one or more Vice Presidents, such officers to have the authority and to perform the duties prescribed, from time to time, by the Commission. The same individual may not simultaneously hold more than one office in the Commission.
  - (ii) Any officer may resign at any time by delivering written notice to the President, or in the event the President seeks resignation, to the Secretary. A resignation is effective when the notice is received unless the notice states a later effective date. Notice of the resignation shall be timely provided to the council.
  - (iii) In the case of absence or inability to act of any officer of the Commission or any person duly authorized to act in his place, the

Commission may delegate the powers and duties of such individual to any other officer, to any Member, or to any other person whom it may select.

(iv) The President shall be the principal executive officer of the Commission and, subject to the control of the Commission, shall in general supervise and control all of the business and affairs of the Commission. The President shall, when present, preside at all meetings of the Commission. He may sign, with the Secretary attesting (as applicable given the circumstances) documents, certifications, agreements and letters which the Commission has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Commission to some other officer or agent of the Commission, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Commission from time to time.

(v) The Secretary shall be elected to serve in such role by the Commission. The Secretary shall keep the minutes and records of the Commission, see that all notices are duly given in accordance with the provisions of this code of ordinances or as required by law and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to them by the President or by the Commission.

(vi) Officers (in fulfilling their duties to the Commission) shall serve without compensation but shall be reimbursed for all reasonable expenses incurred on behalf of the Commission consistent with the other reimbursement provisions herein.

(h) The Commission shall formulate a draft budget for each ensuing fiscal year to the council for review and approval. Such budget shall be based upon anticipated fee or tax revenues for the ensuing fiscal year, as prepared and proposed by the county's staff in sufficient time for the draft budget to be completed by the Commission. Such draft budget shall be completed and ready for submission to council by no later than April 1, unless otherwise extended by council in writing, prior to the end the then-current fiscal year. The budget, including any later amendments thereto, shall be approved by council in accordance with the provisions of South Carolina law. The council shall consider the annual budget for the Indian Land Fire District and may approve in total, modify, or amend the draft budget in its discretion. The budget approved by council shall be binding on the Indian Land Fire District for the ensuing fiscal year. Subject to Sec. 14-137 below, the annual budget for the Indian Land Fire District may either be established as a stand-alone budget or incorporated into the county's general fund budget. No funds shall be expended for purposes other than as allocated in the annual budget unless authorized or approved by the council. However, line-items within the annual

budget for the Indian Land Fire District may be moved within such fund as necessary to implement fire-related functions associated with the Indian Land Fire District.

(i) In addition to the initial budgeting duties provided in subsection (i) above, the Commission may additionally make recommendations to council and county fire service and rescue division regarding fire service, facilities, equipment and other matters affecting the Indian Land Fire District; (ii) to engage and assist in the promotion and marketing efforts for the Indian Land Fire District; (iii) to advise the council, the county fire service and rescue division and citizens of the County on matters of related to or affecting the Indian Land Fire District; (iv) to provide advice and recommendations to council and the county fire service and rescue division regarding necessary capital improvement projects, maintenance and activities; (v) to present reports, as requested, to council describing (1) the progress associated with implementation of the Consolidation; (2) community input or comments regarding the Indian Land Fire District; (4) grant-funding, sponsorship and other initiatives associated with the Indian Land Fire District; (vi) reviewing fire fees and making recommendations regarding such fees and charges for Indian Land Fire District; and (vii) do all things necessary to support the operations of the county fire service and rescue division.

(j) As necessary to support the operations of the Commission, the County Administrator, or his agent, may assign one or more county employees to assist and support the Commission as necessary to fulfill its duties, responsibilities and obligations hereunder. Additionally, the Fire Chief of the Indian Land Fire District shall serve as the liaison between the Commission, and the county fire service and rescue division, and county staff. In the capacity of liaison, the Fire Chief shall not have a voting interest on Commission matters or decisions, but shall assist the Commission in matters affecting the Indian Land Fire District as necessary for the Commission to perform its duties hereunder. As a result, the Fire Chief, in the absence of good cause, shall attend all meetings of the Commission.

(k) The Commission may be amended, changed, expanded or dissolved at any time by a majority of council acting by ordinance to amend the terms hereof.

(l) It is expressly noted that the Commission shall not have any power or authority to:

- (i) Enter into any contract to purchase, lease, convey or sell real estate;
- (ii) Borrow any money (including lease-obligations);
- (iii) Enter into any contracts, or other create any legal obligation



of the county or the Indian Land Fire District;

(iv) Set, make or adopt policies regarding the operation or administration of the Indian Land Fire District;

(v) Hire, manage, review, or interview fire personnel, including the Fire Chief;

(vi) Be involved in the daily operations or administrative duties of the Indian Land Fire District; or

(vii) Take any action or perform any function not expressly provided or granted to the Commission in this ordinance.

#### **Sec. 14-136. Funding; Debt Issuances**

(a) Funding for the Indian Land Fire District shall be through the levy of taxes and/or the imposition of rates and charges as well as any other monies appropriated, allocated, or redistributed to the by the county.

(b) Upon approval of the budget, the council shall certify to the county auditor the tax levy or fee schedule, as applicable, for inclusion on the appropriate tax notices for the Indian Land Fire District.

(c) In order to provide for facilities, rolling stock, equipment, and other needs of the Indian Land Fire District, the county may issue, with or without an election, general obligation bonds (in a single issue or several separate issues) by the county on behalf of the Indian Land Fire District. Additionally, and as necessary to fully implement the Consolidation, the county may issue refunding general obligation bonds or such other obligations as may be necessary. Such general obligation bonds shall be secured by the full faith, credit, and taxing power of the county and, subject to other available funding, shall be payable from *ad valorem* taxes levied and collected within the Indian Land Fire District.

#### **Sec. 14-137. Use of Revenues**

All revenues and funds collected for the benefit and use of the Indian Land Fire District shall be deposited in a special account under the district's name. All disbursements shall be made as provided by law. Any unexpended balance in the special fund at the end of any fiscal year shall be carried forward into the next fiscal year and expended for the same purposes.

#### **Sec. 14-138. Taxes; Fees; ERU Determination**

(a) In conformance with the budget, a schedule of taxes to be assessed and collected and/or the rates and charges imposed and collected as taxes shall be as set from time to time as necessary to fund the operations of the Indian Land Fire District.

(b) There may be levied ad valorem property taxes within the boundaries of the Indian Land Fire District for operation, maintenance and capital purposes. If the Indian Land Fire District levies taxes, all real and personal property currently within the boundaries of the Indian Land Fire District shall be assessed and taxed in accordance with the provisions of state law. Tax millage is not initially anticipated to be levied by the Indian Land Fire District; however, if council later determines to levy tax millage, then council, acting by ordinance and as approved in the applicable annual budget, may determine an initial millage to be levied with the Indian Land Fire District as permitted by the Enabling Act.

(c) Alternatively, or additionally, the Indian Land Fire District may impose rates and charges for operation, maintenance and capital purposes in the discretion of the county. If the Indian Land Fire District imposes fees or charges, such fees or charges shall be imposed and collected in accordance with the provisions of state law.

(d) Respecting the imposition of fees and charges under subsection (c) above, such fees or charges shall be assessed on the basis of equivalent residential units (ERU). While amount of the annual charge per ERU should be determined and established by council in the annual budget process, the ERU for specific properties shall be determined using the following conversion table:

| <b>Use</b>                                               | <b>ERU Standard</b>                                  |
|----------------------------------------------------------|------------------------------------------------------|
| Single-Family detached house                             | One ERU                                              |
| Multi-family housing                                     | One ERU per unit                                     |
| All structures other than single family and multi-family | One ERU per [1,000] square feet, or fraction thereof |

(e) No charges under subsection (d) shall be imposed on a property unless the property in question has a physical structure located thereon. For new structures, the annual charge begins when a certificate of occupancy is issued and the structure becomes taxable for property tax purposes.

#### **Sec. 14-139. Powers, Duties and Responsibilities.**

The county fire service and rescue division, acting through proper officials of the county, shall have the following duties and responsibilities for the benefit of the

Indian Land Fire District:

- (1) To buy fire-fighting equipment as necessary for the purpose of controlling fire(s) within the Indian Land Fire District;
- (2) To select sites or places within its service area where fire-fighting equipment must be kept;
- (3) To employ all necessary fire protection personnel and fix their compensation;
- (4) To employ and supervise the training of fire personnel to insure that the equipment is utilized for the best interest of all those in the Indian Land Fire District;
- (5) To be responsible for the purchase, acquisition, upkeep, maintenance and repairs of all fire-fighting equipment, fire stations and fire station sites; however, all such personal and real property purchased, acquired, operated and maintained shall be owned by and properly titled in the name of the county and shall not be subject to disposal or sale without the approval of council;
- (6) To promulgate such regulations as may be necessary to ensure that equipment is being used to the best advantage of the county;
- (7) To construct buildings to house equipment and all fire stations necessary to provide fire protection; and
- (8) To exercise any and all other powers necessary to operate and maintain a comprehensive system of fire protection within the county.

**Sec. 14-140. Procurement.**

The county fire service and rescue division shall be governed by the administrative rules of procedure governing other county agencies/departments and shall additionally comply with and be governed by the county's procurement code.

**Division 2 – Indian Land Consolidated Fire Protection District**

Reserved. Sections 14-151 through Section 14-460 have been deleted in their entirety and are hereafter reserved.

**Section 4 Transfer and Acceptance of Assets.**

- A. All of the real and personal property (including all cash and investments) of Fire Districts shall become the assets of the County and upon the enactment of this Ordinance, any cash

and investments shall be transferred to the County's account(s) for the Indian Land Fire District. Likewise, and except as described in Section 6 below, all liabilities of the Fire Districts shall become the obligation of Indian Land Fire District. To the extent not already owned by or titled in the name of the County, an itemization of the current real property assets of each of the Fire Districts is attached hereto as Exhibit A-1.

B. Regardless of the transfer of any and all assets of each of the Fire Districts to the County (as applicable), the existing naming conventions (as necessary to properly denote the historical and geographical characteristics of such facilities) of the individual fire stations may be initially sustained. However, nothing shall prohibit the County from purchasing, designing and up fitting any facilities or equipment with updated signage, color schemes, graphics or other insignia which ascribe representation of the Indian Land Fire District.

C. On or prior to the Effective Date (as defined herein):

1. The Indian Land Fire District shall succeed to, without other transfer, and shall possess and enjoy all of the rights and privileges, immunities, powers and franchises both of a public and private nature, and shall be subject to all of the restrictions, liabilities, and duties of the Fire Districts.

2. To the extent title to any real property is vested by deed or otherwise to or in the name of any of the Fire Districts, or any agent, agency or beneficial entity thereof, such real property shall not automatically revert, transfer or otherwise be impaired by the terms of this Ordinance; however, through the enactment of this Ordinance, the County Council, absent any confirmation, consent or approval of the governing commissions of the Fire Districts, which are expressly terminated under this Ordinance, has authorized and approved the transfer of any and all real property of each such Fire District to the County (to the extent not already titled in the name of the County). Real property assets of the Fire Districts that are not currently titled in the name of the County are listed on Exhibit A-1 hereto. Each such property shall be duly conveyed to the County in accordance with the form of deed attached hereto as Exhibit A-2, and thereafter accepted, deeded and properly recorded in the name of the County or its assigns.

3. To the extent title or ownership of any tangible personal property is vested in the name of any of the Fire Districts, or any agent, agency or beneficial entity thereof, such personal property shall not automatically revert, transfer or otherwise be impaired by the terms of this Ordinance; however, through the enactment of this Ordinance, the County Council, in its capacity as the governing body of each of the Fire Districts, has authorized and approved the transfer of any and all of the personal property of each such Fire Districts interest to the County (to the extent not already titled in the name of the County). To the extent any personal property assets of the Fire Districts are not currently titled in the name of the County, all such property shall be duly conveyed to the County under the terms of a Bill of Sale, the form of which is attached hereto as Exhibit B.



4. Best efforts shall be undertaken to pay all current bills, charges and liabilities of the Fire Districts from the respective assets acquired from each such Fire District, including any workers compensation insurance premiums or liability insurance premiums due through the Effective Date for firefighters or the physical assets of each such Fire District; if circumstances arise or occur wherein such items cannot be paid from the assets of the respective Fire Districts, proper arrangements will be made with or by the Indian Land Fire District, which is receiving the particular asset, for payment of such bill, charge or liability.

D. On behalf of the County, the County Administrator, and Chair of County Council, or their respective designees (an “**Authorized Officer**”), are authorized to execute and deliver any deed (in the form attached hereto as Exhibit A-2) or other real property conveyance document respecting the properties described at Exhibit A-1 hereto, as well as the Bill of Sale, the form of which is attached as Exhibit B hereto.

#### **Section 5. Assignment of Service Rights.**

A. Notwithstanding any limitation in such agreements to the contrary, any agreements, contracts, rights, title, interest and other obligations between any of the Fire Districts and any municipal fire service or other fire providers (together, the “**Other Fire Providers**”) shall be assigned, granted and transferred in full to the Indian Land Fire District, who shall accede to and continue performing any and all fire service functions previously provided to the Other Fire Providers by any of the Fire Districts.

B. Notwithstanding the provisions of paragraph (A) of this Section 5, to the extent any current agreement with any of the Other Fire Providers, expressly including but not limited to mutual or automatic aid agreements, requires amendments, supplements, modifications or a restatement in full (collectively, a “**Modification Agreement**”) as a result of this Ordinance, any Modification Agreement, subject to review and approval by the County’s legal counsel, is fully authorized and permitted by the terms hereof. Each Modification Agreement, if any, shall be executed and delivered on behalf of the County by the County Administrator. Upon such execution, the County Council shall be timely informed of the execution of the Modification Agreement. The consummation of the transactions and undertakings described in any Modification Agreement, and such additional transactions and undertakings as may be determined by the County Administrator, in consultation with legal counsel to be necessary or advisable in connection therewith, are hereby approved.

#### **Section 6. Outstanding General Obligation Bonds; Budget Amendment.**

A. The Outstanding GO Bond is a binding general obligation of the County, and the full faith, credit, and taxing power of the County has been pledged to the payment thereof. Historically, the principal and interest on the Outstanding GO Bond has been paid directly by the PV Fire District from its fee revenues. As of the date hereof, there is currently outstanding

\$1,070,000 of the original principal amount of the Outstanding GO Bond maturing on March 1, 2030.<sup>1</sup>

B. 1. Subject to properly budgeted and appropriated funds being available, the County, acting through an Authorized Officer, shall appropriate funds from any legally available source in an amount sufficient to effect the legal defeasance or early redemption (including negotiated penalties) of the Outstanding GO Bond on September 15, 2023, or such other date as may be determined by the Authorized Officer.

2. The County Council hereby authorizes, approves or ratifies, as applicable, the engagement of Compass Municipal Advisors LLC to act as financial advisor and Burr Forman to act as bond counsel in connection with the defeasance and redemption of the Outstanding GO Bond and authorizes an Authorized Officer to engage the services of such other professionals and institutions of a type and in a manner customary in connection with the defeasance and redemption of municipal bonds, including, but not limited to, contractual arrangements with verification agents or other consultants necessary to structure the defeasance escrow for the Outstanding GO Bond.

3. An Authorized Officer is authorized to execute and deliver an escrow deposit agreement between the County and Regions Bank, the form of which is attached hereto as Exhibit D (the “**Escrow Agreement**”). Under the terms of the Escrow Agreement, the County shall fund and establish an escrow deposit account and escrow funds in an amount sufficient effect the redemption of Outstanding GO Bond on March 1, 2025. The Authorized Officers, in consultation with its professional advisors, are further authorized to determine the type of investments that shall be made in such escrow deposit agreement and to select the escrow agent in accordance with the proceedings authorizing the Outstanding GO Bond. In lieu of the Escrow Agreement, and as may be determined by the holder of the Outstanding GO Bond, an Authorized Officer may negotiate with such holder for the early redemption of the Outstanding GO Bond, including the payment of penalties or other charges related to such early redemption.

4. Assuming the County properly implements the appropriation described in Section 8(B)(1) above, the County, acting through an Authorized Officer, is authorized to execute one or more promissory notes in the form attached hereto as Exhibit C (collectively, the “**Note**”), and incorporated herein by reference, payable to the County in an aggregate principal amount not to exceed [\$1,131,225]. Any payment obligation created in connection with this Ordinance or the Note shall constitute a current expense of the Indian Land Fire District and shall not in any way be construed to be a debt of the Indian Land Fire District or the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness of the Indian Land Fire District or the County, nor shall anything contained in this Ordinance constitute or give rise to a general obligation or pledge of the general tax revenues, taxing power or full faith or credit of the Indian Land Fire District or the County. Any budgetary

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<sup>1</sup> This same amount shall be outstanding as of the Effective Date.

appropriation to pay the Note shall be subject in all respects to the discretion of County Council, and any failure to make such an appropriation, notwithstanding any provision of this Ordinance to the contrary, shall not constitute a default or event of default under this Ordinance or the Note.

C. As an alternative to the provisions of Section 8(B) above, the County may determine to issue general obligation refunding bonds on behalf of the Indian Land Fire District (“**Refunding Bonds**”) in order to properly redeem the Outstanding GO Bond. Any such authorization to issue Refunding Bonds shall be approved by a separate bond ordinance approved by the County Council.

D. The funds necessary to pay the outstanding principal amount of and the interest accrued on the Outstanding GO Bond as of the Effective Date is hereby appropriated from the County’s general fund balance, and the County hereby amends its fiscal year 2023-2024 annual budget to provide for the legal defeasance and/or redemption of the Outstanding GO Bond (the “**Defeasance Budget Amendment**”). As described in Section 6(B)(1) above, the money necessary to legally defease and/or redeem the Outstanding GO Bond will be drawn from the County’s general fund balance and therefore, the proposed Defeasance Budget Amendment does not result in any change to the County’s millage rate for the general fund or any of the Fire Districts.

E. Additionally, the County has duly adopted fiscal year 2023-2024 budgets for each of the Fire Districts. As of the Effective Date, the Fire Districts will be consolidated. As a result of the Consolidation, the County’s fiscal year 2023-24 budget, which contemplates the independent operation and funding of the Fire Districts, shall be amended, modified and revised to account for the Consolidation (the “**Consolidation Budget Amendment**” and together with the Defeasance Budget Amendment, the “**Budget Amendment**”). Unlike the Defeasance Budget Amendment, the Consolidation Budget Amendment is not anticipated to create any new revenues or expenses increased fire fees and expenses (or result in higher fire fees or charges) since such fees and charges were adopted as part of the County’s fiscal year 2023-24 budget. As a result, the operating budget for fiscal year 2023-24, as amended by the Budget Amendment, are as follows:

| <u><b>General Fund</b></u>                | <u><b>FY 2023-2024<br/>Approved</b></u> | <u><b>FY 2023-2024<br/>Proposed Amended*</b></u> | <u><b>Percentage<br/>Change</b></u> |
|-------------------------------------------|-----------------------------------------|--------------------------------------------------|-------------------------------------|
| Revenues                                  | \$85,941,011                            | \$87,072,236                                     | 1.31%                               |
| Expenses                                  | \$85,941,011                            | \$87,072,236                                     | 1.31%                               |
| <br>                                      |                                         |                                                  |                                     |
| <u><b>IL District Fire<br/>Fund**</b></u> | <u><b>Approved</b></u>                  | <u><b>Proposed Amended</b></u>                   | <u><b>Change</b></u>                |
| Revenues                                  | \$350,810                               | \$0                                              | N/A                                 |
| Expenses                                  | \$350,810                               | \$0                                              | N/A                                 |

**PV District Fire****Fund\*\***

|          | <b><u>Approved</u></b> | <b><u>Proposed Amended</u></b> | <b><u>Change</u></b> |
|----------|------------------------|--------------------------------|----------------------|
| Revenues | \$380,293              | \$0                            | N/A                  |
| Expenses | \$380,293              | \$0                            | N/A                  |

**Indian Land Fire****District Fund\*\*\***

|          | <b><u>Approved</u></b> | <b><u>Proposed Amended</u></b> | <b><u>Change</u></b> |
|----------|------------------------|--------------------------------|----------------------|
| Revenues | \$0                    | \$3,981,450                    | N/A                  |
| Expenses | \$0                    | \$3,981,450                    | N/A                  |

\* Increase attributable to \$1,131,225 appropriated from fund balance to effect the defeasance of the Outstanding GO Bond.

\*\* Represents three months of revenues and expenditures until the Consolidation is finalized and effective.

\*\*\* Represents revenues and expenditures for the Indian Land Fire District subsequent to the Consolidation.

**Section 7 Services and Personnel**

A. It is an overriding goal of the County that the Consolidation will result in substantially improved fire service (over existing operations). Subject to Section 7(C) below, the Consolidation is anticipated to result in enhanced fire service coverage within Indian Land Fire District's service area.

B. Subject to conformance with County employment requirements and training requirements, all existing paid and volunteer fire personnel of the Fire Districts shall be considered for available positions with the Indian Land Fire District.

C. Subject to unforeseen economic circumstances affecting the entire County and the general difficulty of finding, training and maintaining qualified fire personnel, failure to reach or maintain the staffing or fire coverage thresholds provided is not an enforceable obligation or commitment of the County, but rather a goal that may take considerable time to complete.

**Section 8 Public Hearing.** Prior to the date of enactment of this Ordinance and pursuant to Sections 4-19-20 and 6-1-80 of the Code of Laws of South Carolina 1976, as amended, the County did hold public hearings regarding the Consolidation and the Budget Amendment on August 14, 2023. Notice of the public hearing for the Consolidation was timely published in accordance with Section 4-19-20 of the Code of Laws of South Carolina 1976, as amended, three times in *The Lancaster News*, which is a newspaper of general circulation in the County. First publication of such notice did occur not less than sixteen days prior to the date of the public hearing, and all interested parties were given an opportunity to speak in favor of or against the Consolidation. Further, notice of the public hearing for the Budget Amendment was timely published in accordance with Section 6-1-80 of the Code of Laws of South Carolina 1976, as amended, one time in *The Lancaster News*. Publication of such notice did occur not less than fifteen days prior to the date of the public hearing, and all interested parties were given an



opportunity to speak in favor of or against the Budget Amendment.

**Section 9 Notice of Enactment.** Subsequent to the enactment of this Ordinance, a notice of enactment of this Ordinance, the form of which is attached hereto as Exhibit E, shall be published once a week for two successive weeks in *The Lancaster News*, which is a newspaper of general circulation in the County.

**Section 10 Further Action.** Notwithstanding the Consolidation under the terms of this Ordinance, the County staff, acting through the Authorized Officers are authorized, as required or necessary, to undertake any supplemental, follow-up and/or final actions following the enactment of this Ordinance and the imposition of its terms. To the extent necessary, each of the Fire Districts shall remain constituted and empowered to act until such time as the Consolidation becomes effective and all assets have been transferred, conveyed, disposed, or sold; thereafter, each of the Fire Districts shall be finally dissolved and terminated without further action by the County Council.

**Section 11 Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 12 Limitation of Rights.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause(s) of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 13 Inconsistency.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

**Section 14 Effective Date.** This Ordinance shall take effect immediately upon its enactment; however, the Consolidation shall not become effective until the later of (i) the statutory challenge period under Section 4-19-20(6) of the Enabling Act has expired, or (ii) September 15, 2023 (the “**Effective Date**”). In the event of a timely challenge under the Enabling Act, the Effective Date shall be tolled until challenge is satisfied by the applicable courts of the State of South Carolina.

[Remainder of Page Intentionally Left Blank]

**AND IT IS SO ORDAINED**, this 14<sup>th</sup> day of August 2023.

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

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Steve Harper, Chair, County Council

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Billy Mosteller, Secretary, County Council

ATTEST:

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Sherrie Simpson, Clerk to Council

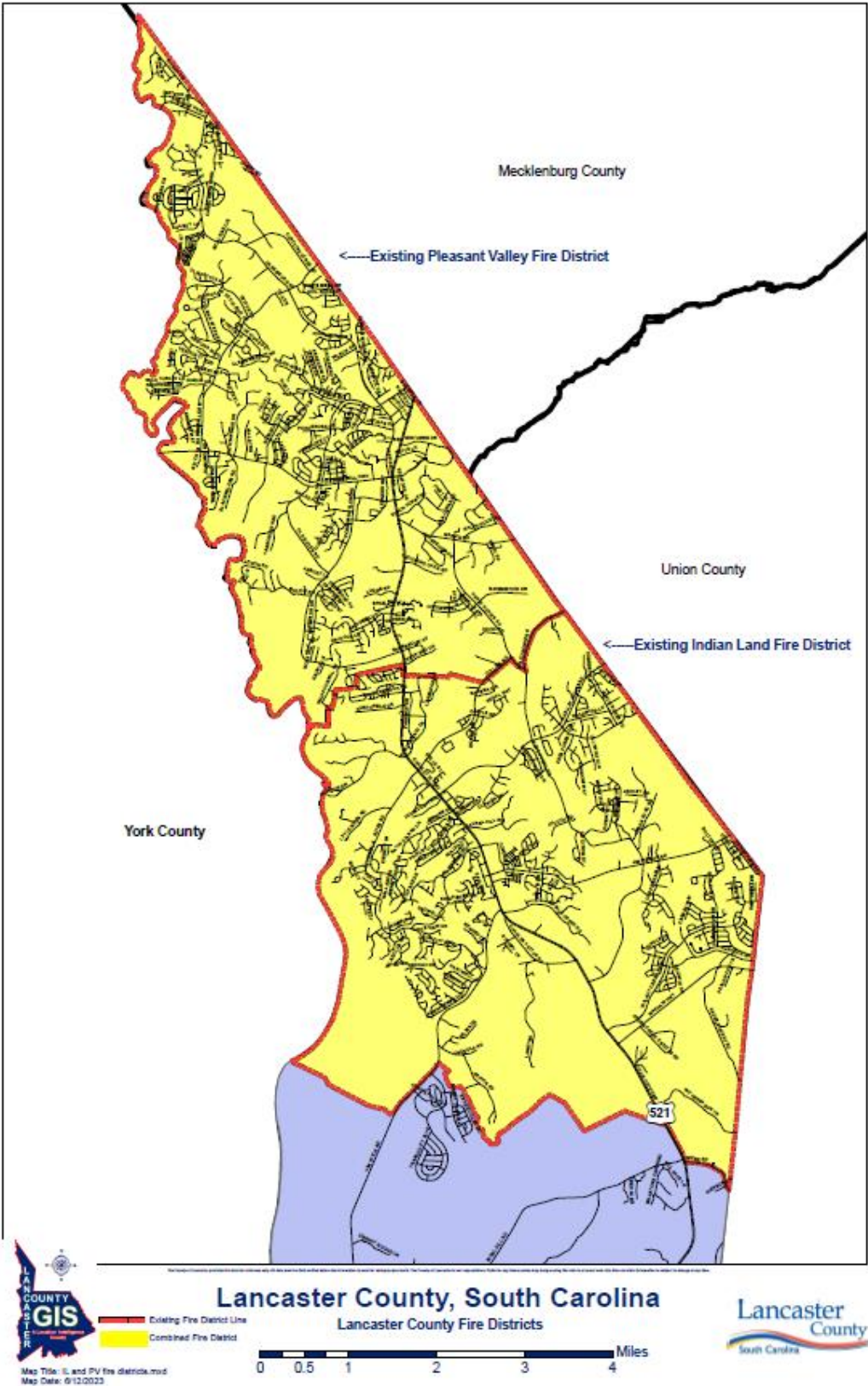
First Reading: June 26, 2023  
Second Reading: July 17, 2023  
Public Hearing: August 14, 2023  
Third Reading: August 14, 2023

Approved as to form:

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Virginia L. Merck-Dupont, County Attorney

APPENDIX 1 – Map of Indian Land Consolidated Fire District



## **Exhibit A-1**

### **Real Property of the Fire Districts**

1. Indian Land Station (Indian Land #1)  
185 Six Mile Creek, Lancaster, SC 29720 – 0016-00-031.02
2. Pleasant Valley Main (Indian Land #2)  
9370 Possum Hollow Road, Indian Land, SC 29707 – 0008-00-063.06
3. Pleasant Valley Substation (Indian Land #3)  
10754 Harrisburg Road, Indian Land, SC 29707 – 0003-00-041.00

**EXHIBIT A-2**

**FORM OF DEED**

This deed was prepared in the Office of Ginny Dupont, Lancaster County Attorney,  
101 N. Main Street., Lancaster, SC 29720, **WITHOUT BENEFIT OF  
TITLE EXAMINATION AND WITHOUT TITLE CERTIFICATION**

|                         |   |                       |
|-------------------------|---|-----------------------|
| STATE OF SOUTH CAROLINA | ) |                       |
|                         | ) | LIMITED WARRANTY DEED |
| COUNTY OF LANCASTER     | ) |                       |

WHEREAS, the County Council of Lancaster County (the “County Council”), which is the governing body of Lancaster County, South Carolina (the “County”), is empowered pursuant to Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “Enabling Act”), “[t]o establish, operate, and maintain a system of fire protection” within the County.

WHEREAS, pursuant to the Enabling Act and Ordinance No. 724 dated February 27, 2006 and Ordinance No. 1083 dated February 1, 2011 (together, the “Fire Ordinance”), the County previously established the Pleasant Valley Fire Protection District and the Indian Land Fire Protection District (together, the “Fire Districts”).

WHEREAS, the County Council, by terms of the Enabling Act and an ordinance of the County Council entitled, “AN ORDINANCE TO CONSOLIDATE THE PLEASANT VALLEY FIRE PROTECTION DISTRICT AND THE INDIAN LAND FIRE PROTECTION DISTRICT INTO A SINGLE, UNIFIED FIRE PROTECTION DISTRICT; AUTHORIZING AN AMENDMENT TO THE COUNTY’S FISCAL YEAR 2023-24 BUDGET; AND OTHER MATTERS RELATING THERETO” enacted on [August 14, 2023] (the “Consolidation Ordinance”), amended and restated the Fire Ordinance to consolidate the Fire Districts into Indian Land Consolidated Fire Protection District (the “Indian Land Fire District”).

WHEREAS, as contemplated by the Consolidation Ordinance, all real property of the Fire Districts shall be conveyed and transferred to the County for the benefit of the Indian Land Fire District under the provisions of this deed of conveyance.

NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS, THAT **[NAME OF FIRE DISTRICT]** **ACTING EXCLUSIVELY THROUGH THE COUNTY ADMINISTRATOR** (hereinafter “Grantor”), in the State aforesaid, for and in consideration of the covenants and recitals provided in the Consolidation Ordinance to it in hand paid at and before the sealing of these presents by **LANCASTER COUNTY, SOUTH CAROLINA** (hereinafter “Grantee” and previously identified as the County), whose address is c/o County Administrator, 101 N. Main Street, Lancaster, SC 29720, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions (collectively, the “Exceptions”), if any, set forth below, unto the said Grantee, its successors and assigns forever, the following described property (the



“Premises”), to-wit:

SEE ATTACHED FOR LEGAL DESCRIPTION.

THIS CONVEYANCE IS MADE SUBJECT TO: All covenants, restrictions, easements and rights-of-ways affecting the Premises.

TOGETHER with, subject to the above Exceptions, if any, all and singular the rights, members, hereditaments and appurtenances to the said Premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the above Exceptions, if any, all and singular the said Premises before mentioned, unto the said Grantee, its successors and assigns.

Grantor does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said Premises, subject to the above Exceptions, if any, unto the said Grantee, as hereinabove provided against Grantor and Grantor’s successors and any person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under it or them, but against none other.

IN WITNESS WHEREOF, Dennis Marstall, County Administrator of the County and duly authorized officer of the Grantor has hereunto set my Hand and Seal of the Grantor, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

WITNESSES:

[NAME OF FIRE DISTRICT],

\_\_\_\_\_  
Signature of 1<sup>st</sup> Witness  
Printed Name: \_\_\_\_\_

By:\_\_\_\_\_  
Dennis Marstall, County Administrator

\_\_\_\_\_  
Signature of 2<sup>nd</sup> Witness/Notary  
Printed Name: \_\_\_\_\_

ACKNOWLEDGMENT ON FOLLOWING PAGE

STATE OF SOUTH CAROLINA     )  
                                                  )  
COUNTY OF LANCASTER        )     ACKNOWLEDGMENT

I, the undersigned Notary, do hereby certify that Dennis Marstall, as County Administrator of the Lancaster County and the duly authorized representation of [NAME OF DISTRICT], personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my Hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Signature of Notary Public  
Name of Notary: \_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: \_\_\_\_\_

### LEGAL DESCRIPTION

BEGINNING at the point of the intersection of the jurisdictional boundaries of Lancaster County and York County in the State of South Carolina, and Mecklenburg County in the State of North Carolina,

then continuing generally southward along Sugar Creek to the confluence with the Catawba River (being approximately 1,350 feet northwest of the dead end of Little River Rd), following the boundary of Lancaster County and York County, and continuing in a southerly direction along the Catawba River to the point of the southernmost property boundary of land now or formerly owned by the W Olin Nisbet Jr Family, TMS No. 0019-00-001.00 (which is approximately 6,620 feet northwest of Van Wyck Rd);

then following the southernmost property boundary of Nibet family land to the point of intersection with property now or formerly owned by White Farm LLC, TMS No. 0019-00-032.00;

then following the boundary of said property in a northeastern direction to the point where the boundary reaches the right-of-way of Van Wyck Rd and abuts property now or formerly owned by Barbara Dandridge, TMS 0019-00-030.01;

then paralleling said property and the northern edge of Van Wyck Rd right-of-way, following Van Wyck Rd in a northeasterly direction to a point approximately 800 feet northeast of the intersection of Van Wyck Rd and the centerline of Tranquility Blvd, being the point of the northeasternmost boundary of property now or formerly owned by Tree Tops Homeowners Association, TMS No. 0019J-0A-001.01; then turning in a southeastern direction to follow the Tree Tops Homeowners Association property boundary as it shares boundaries with the following TMS Nos:

- (13) 0019-00-027.14, now or formerly owned by Mary Nisbet Purvis;
- (14) 0019-00-029.00, now or formerly owned by Robert D. Wilson Sr Trustees;
- (15) 0019-00-035.00, now or formerly owned by Helen W. Davis;
- (16) 0019-00-027.09, now or formerly owned by Thomas W. Pickard;
- (17) 0019-00-027.07, now or formerly owned by Robert Andrew Wright;
- (18) 0019-00-036.00, now or formerly owned by Olin S. Wilson;
- (19) 0019-00-024.01, now or formerly owned by Charles F & Jerri T Laney;
- (20) 0019-00-023.02, now or formerly owned by Vijaya Kumar Reddy Trustees;
- (21) 0019-00-022.00, now or formerly owned by Robert C. Petrillo,
- (22) 0019-00-022.06, now or formerly owned by Paul R. Petrillo,
- (23) 0019-00-040.00, now or formerly owned by Gene D. Tillman; and
- (24) 0019-00-041.00, now or formerly owned by Olin S. Wilson;

then the boundary travels south and east, following Twelve Mile Creek approximately 5,250 feet, which forms the northern boundary of property now or formerly owned by SC JMB Land Company LLC, being TMS No. 022-00-006.00 and 0020-00-052.00, said boundary somewhat paralleling the Monroe Subdivision rail line (now or formerly owned by CSX Transportation);

then reaching the easternmost point of TMS No. 0020-00-052.00, now or formerly owned by SC JMB Land Company LLC, and being approximately 4,920 feet southwest of the right-of-way of Charlotte Highway/SC Highway 521, as measured along the rail line;

then turning southeast to cross the Monroe Subdivision rail line and continue along the property boundary between parcels identified as TMS No. 0020-00-052.00 and TMS No. 0020-00-051.00, both now or formerly owned by SC JMB Land Company LLC, to a point of intersection with properties identified as follows:

0020-00-052.00, now or formerly owned by SC JMB Land Company LLC;  
0020-00-051.00, now or formerly owned by SC JMB Land Company LLC;  
0022-00-006.00, now or formerly owned by SC JMB Land Company LLC; and  
0021-00-024.00, now or formerly owned by MCP SC Land LLC

then the boundary continues in a northeasterly direction along the boundary of TMS No. 0020-00-051.00 for approximately 2710 feet before shifting southeast along the boundary between TMS No. 0020-00-027.01, now or formerly owned by Ronald T. Liles Trustees, and TMS No. 0021-00-001.00 now or formerly owned by Eunice C. Jackson Trustees;

then the boundary follows the said property line, traveling approximately 2,505 feet to the point where it reaches and crosses Charlotte Highway/SC Highway 521;

then the boundary follows the northeastern right-of-way boundary of Charlotte Highway/SC Highway 521 for approximately 2,500 feet, passing the following properties:

- (5) TMS No. 0020-00-026.00, now or formerly owned by the Lancaster County School District;
- (6) TMS No. 0021-00-005.00, now or formerly owned by Luther E & Eunice C TR Jackson;
- (7) TMS No. 0021-00-005.00, now or formerly owned by Arthur Lim Trustee and Ofelia Lim Trustee; and
- (8) TMS No. 0021-00-005.00, now or formerly owned by Arthur Lim Trustee and Ofelia Lim Trustee;

then the boundary follows the centerline of Niven Rd for approximately 3,600 feet to the Union County, North Carolina Line;

the boundary then turns north and follows the jurisdictional line between Lancaster County, SC and the State of North Carolina, from Niven Road and to the point where the jurisdictional line between Lancaster County, SC and Union County, NC crosses Twelve Mile Creek;

then heading in a northwesterly direction to following the jurisdictional line between South Carolina and North Carolina to the point of the intersection of the boundary of Lancaster County and York County in the State of South Carolina, and Mecklenburg County in the State of North Carolina, being the point of BEGINNING.



**Exhibit B**

Bill of Sale

|                         |   |              |
|-------------------------|---|--------------|
| STATE OF SOUTH CAROLINA | ) |              |
|                         | ) | BILL OF SALE |
| COUNTY OF LANCASTER     | ) |              |

Pleasant Valley Fire Protection District and Indian Land Fire Protection District (together, the “Former Fire Districts”) were fire service areas created and existing under the authority of the Lancaster County Council, the governing body of Lancaster County (the “County”) pursuant to the Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended and Ordinance No. 724 dated February 27, 2006 and Ordinance No. 1083 dated February 1, 2011, respectively.

On August 14, 2023, the County enacted Ordinance No. \_\_ (the “Consolidation Ordinance”), the provisions of which reconstituted the Former Fire Districts into a single, unified fire service area known as the Indian Land Consolidated Fire Protection District.

The County, acting through certain duly authorized officers subscribed below, in consideration of, and in furtherance of, the Consolidation Ordinance, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell, transfer and deliver unto the County the following described equipment:

**All those items of furniture, equipment, fixtures, mobile equipment, vehicles, fire fighting equipment, software, computer equipment and systems, and other personal property of every kind and nature heretofore owned, used or possessed by each of the Former Fire Districts now or formerly located on or about the premises of each fire station for each of the Former Fire Districts, as described and listed below, including any those items listed on any Inventory Sheets (which shall supplement this Bill of Sale), and such conveyance included all rights to recover any such personal property included in this conveyance which may be determined to be absent from the premises as of the date and time of this conveyance.**

- 1. Indian Land Station (Indian Land #1)  
185 Six Mile Creek, Lancaster, SC 29720 – 0016-00-031.02**
  
- 2. Pleasant Valley Main (Indian Land #2)  
9370 Possum Hollow Road, Indian Land, SC 29707 – 0008-00-063.06**
  
- 3. Pleasant Valley Substation (Indian Land #3)  
10754 Harrisburg Road, Indian Land, SC 29707 – 0003-00-041.00**

The County acknowledges that it has been advised of the used condition of said items of equipment, and County has made and has relied on its own inspection of said equipment to determine the condition of the equipment and the suitability of the said equipment for County's uses and purposes, without reliance on any representations made by any of the Former Fire Districts, or its employees or agents.

**To have and to hold** the same to the County its successors and assigns, to its or their use forever.

Under the terms of the Consolidation Ordinance, the County made each of the Former Fire Districts an administrative division of the County and ceased the existence of any independent boards which formerly governed the Former Fire Districts. As a result, it is recognized that any transfers herein are solely for the purpose of unequivocally evidencing and proving that the County has assumed, acquired and obtained all personal property assets of each of the Former Fire Districts. Further, in accepting the personal property transferred hereunder, the County accepts such property and equipment subject to all encumbrances.

The County, through its duly authorized representative subscribed and attested below, has good right and authority to convey the same as aforesaid and to execute this Bill of Sale to the County.

**In Witness Whereof**, the County, on behalf of each of the Former Fire Districts, has set the hands and seals of its authorized officers to this Bill of Sale this \_\_th day of September 2023.

LANCASTER COUNTY, SOUTH CAROLINA (ON  
BEHALF OF PLEASANT VALLEY FIRE  
PROTECTION DISTRICT AND INDIAN LAND FIRE  
PROTECTION DISTRICT)

By: \_\_\_\_\_  
County Administrator

WITNESSES

Witness #1

By: \_\_\_\_\_

Name: \_\_\_\_\_

Witness #2

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Exhibit C**

**FORM OF PROMISSORY NOTE**

\$ \_\_\_\_\_

Lancaster, South Carolina  
September [15], 2023

For value received, the Indian Land Consolidated Fire Protection District (“Indian Land Fire District”), a fire service area created and existing under the authority of Lancaster County, South Carolina (the “County”) pursuant to Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended and Ordinance No. \_\_\_\_ dated August 14, 2023 (the “Ordinance”), promises to pay to the County the principal sum of \$ \_\_\_\_\_. This Promissory Note shall bear interest at a rate \_\_\_\_% per annum, which is the rate currently payable on funds deposited with the South Carolina Local Government Investment Pool (LGIP).

This Promissory Note shall be payable with respect to principal and interest in equal annual payments of \$ \_\_\_\_\_ payable to the County each July 1, beginning July 1, 20\_\_ through July 1, 20\_\_.

The principal balance outstanding on this Promissory Note shall be subject to prepayment (plus accrued interest to the date of redemption) at any time, at a price of 100%.

This Promissory Note and transaction is authorized by the Ordinance and is governed by and subject to all limitations and conditions set forth therein, particularly the limitation on the payment obligation set forth at Section 8(C)(2) therein.

I, the undersigned, do execute this Promissory Note on behalf of the Indian Land Fire District, this [15]th day of September 2023.

**INDIAN LAND CONSOLIDATED FIRE  
PROTECTION DISTRICT**

[SEAL]

\_\_\_\_\_  
[Authorized Officer]

ATTEST:

\_\_\_\_\_  
Witness

## **Schedule 1**

Sample Fee Schedule (Subject to Approval in the Annual Budget Ordinance)

Exhibit D

FORM OF ESCROW DEPOSIT AGREEMENT

This Escrow Deposit Agreement (the “Agreement”) dated \_\_\_\_\_, 2023, by and between Lancaster County, South Carolina (the “County”) and Regions Bank in Atlanta, Georgia, as escrow agent (the “Escrow Agent”).

WITNESSETH:

On June 25, 2015, pursuant to Ordinance No. 2015-1336 enacted by the Lancaster County Council (the “Council”) on February 23, 2015, the County issued its \$1,935,000 General Obligation Refunding Bonds (Pleasant Valley Fire Protection District), Series 2015B (the “2015 Bonds”), which are presently outstanding in the principal amount of \$1,070,000.

The County intends to defease and redeem the outstanding 2015 Bonds by depositing with the Escrow Agent, the amount of \$\_\_\_\_\_ and to provide for the investment thereof in order to effect the defeasance and redemption of the 2015 Bonds. The County wishes to enter into this Agreement to carry out such purposes.

Now therefore, in consideration of the foregoing and of the mutual covenants herein set forth, the County and the Escrow Agent agree as follows:

SECTION 1. In order to secure the defeasance of the outstanding principal of and interest on the 2015 Bonds, the County hereby pledges and sets over to the Escrow Agent for transfer into a defeasance fund created pursuant to Section 2 hereof, in trust for the benefit and security of the holders of the 2015 Bonds, subject to the terms and conditions hereinafter set forth, the sum of \$\_\_\_\_\_ which was derived from the County’s general fund. The County represents that such sum (\$\_\_\_\_\_) is an amount which when transferred to the Defeasance Fund and invested as provided in Section 3 will be sufficient to pay the principal and interest coming due on the 2015 Bonds on September 1, 2023, March 1, 2024, September 1, 2024, and their redemption date of March 1, 2025.

Such amount shall be deposited by the Escrow Agent in the Defeasance Fund (hereinafter defined). The Escrow Agent acknowledges receipt of the foregoing amount on the date hereof.

SECTION 2. There is hereby established with the Escrow Agent a special and irrevocable trust fund designated the “Lancaster County, South Carolina, Defeasance Fund of 2023 (Pleasant Valley Fire District)” (the “Defeasance Fund”) to be held in the custody of the Escrow Agent as a trust fund separate and apart from all other funds of the County or of the Escrow Agent for the purposes set forth in Section 1 hereof.

Except as provided hereinafter with respect to funds in excess of the amounts required therefor, funds on deposit in the Defeasance Fund and investment earnings thereon shall be used solely for the purposes set forth in Section 1.

SECTION 3. Concurrently with the execution of this Agreement, the Escrow Agent shall apply \$\_\_\_\_\_ from the amounts deposited with it pursuant to Section 1 above to purchase on \_\_\_\_\_, 2023, the Government Obligations shown on Exhibit A hereto. The remaining \$\_\_\_\_\_ shall be held in cash and remain uninvested.



All obligations purchased and held hereunder as shown on Exhibit A or any direct, non-callable United States Treasury Obligations substituted therefor in accordance with the provisions of this Agreement are collectively referred to as “Government Obligations.” Government Obligations shall not be deemed to include unit investment trusts and money market mutual funds.

The County represents that the Government Obligations shall earn interest and mature in such amounts and at such times as shall be necessary and sufficient, together with other funds held in the Escrow Fund, to pay the outstanding principal of and interest as set forth in Section 1 on the 2015 Bonds, to and including their redemption date of March 1, 2025.

**SECTION 4.** Upon the written direction of the County, subject to the conditions and limitations herein set forth, the Escrow Agent shall sell, transfer and request the redemption of or otherwise dispose of any of the Government Obligations purchased hereunto or reinvest the maturing principal of and interest on Government Obligations, provided that there are substituted therefore, or such reinvestment is made in, other Government Obligations as hereinafter provided. The County hereby covenants and agrees that it will not request the Escrow Agent to exercise any of the powers described in the preceding sentence in any manner which would cause the 2015 Bonds to be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations thereunder.

As directed by the County, the Escrow Agent shall purchase such substituted Government Obligations with the proceeds derived from the sale, transfer, redemption or other disposition of Government Obligations held hereunder or with the maturing principal and interest of Government Obligations held hereunder. Any such sale, transfer, redemption or other disposition of Government Obligations or a purchase of Government Obligations with maturing principal or interest, and substitution under the provisions of this Section may be effected only by a simultaneous transaction and only if (a) an independent certified public accountant shall certify that the Government Obligations to be substituted, together with the Government Obligations which will continue to be held in the Escrow Fund and cash on deposit in the Escrow Fund, will earn interest and mature in such amounts and at such times together with any other funds held therein to provide sufficient moneys from such interest and maturing principal to pay when due and upon the redemption thereof, all principal of and interest on the 2015 Bonds which have not previously been paid, and (b) the Escrow Agent shall receive an unqualified opinion of nationally recognized bond counsel to the effect that such sale, transfer, defeasance or other disposition or purchase, and substitution of, Government Obligations is permitted under the provision of this Agreement has been duly authorized by the County and will not cause the 2015 Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, and the regulations thereunder or otherwise cause the interest on the 2015 Bonds or the Bonds to be included in gross income under Section 103 of the Code.

In the event that as a result of any such substitution, amounts available from the maturing principal of and income on the Government Obligations together with other funds on deposit in the Escrow Fund exceed the amount required to pay the principal and interest coming due on the 2015 Bonds, to and including their redemption date of March 1, 2025, as the same come due and upon the redemption thereof, such excess amounts shall be paid over to the County upon receipt by the Escrow Agent of a certificate from an independent certified public accountant which shall set forth:

- (i) the amounts of any excess;
- (ii) the date on which such amounts become excess; and
- (iii) that if such excess amounts are withdrawn from the Escrow Fund, the Government Obligations, income therefrom, and other funds held in the Escrow Fund shall be sufficient to pay the principal and interest coming due on the 2015 Bonds, to and including their redemption date of March 1, 2025. Upon receipt of such certificate, the Escrow Agent shall pay at such time and from time to time the amounts certified to be excess on the dates such amounts become excess in accordance with such certificate.

SECTION 5. The Government Obligations, moneys representing principal of and interest earned on Government Obligations and funds on deposit in the Escrow Fund shall be subject to an express lien and trust for the benefit of the holder of the 2015 Bonds until used and applied in accordance with this Agreement.

SECTION 6. The Escrow Agent acknowledges receipt of a copy of the letter of instructions from the County irrevocably instructing the Paying Agent for the 2015 Bonds (the “Paying Agent”) to call the 2015 Bonds maturing on and after March 1, 2025 on March 1, 2025. The Paying Agent has agreed to cause notice of such redemption to be given in accordance with the Ordinance of the County authorizing the 2015 Bonds and the letter of instructions from the County.

SECTION 7. The Escrow Agent shall transfer to the Paying Agent on or before the applicable Series 2015 Bond payment and redemption dates sufficient moneys from the funds held in the Defeasance Fund to pay principal and interest coming due on the 2015 Bonds, to and including their redemption date of March 1, 2025.

SECTION 8. The liability of the Escrow Agent to make the payments required by this Agreement with respect to the 2015 Bonds shall be limited to the trust funds on deposit in the Defeasance Fund.

The Escrow Agent shall have no responsibility to any person in connection herewith except those persons specifically provided herein.

In the event of the Escrow Agent’s failure to account for any of the funds received by it, the funds shall be and remain the property of the County in trust for the holders of the 2015 Bonds as herein provided; and if for any reason such funds cannot be identified, the assets of the Escrow Agent shall be impressed with a trust for the amount thereof and, to the fullest extent permitted by law, the County shall be entitled to a preferred claim upon such assets until such identification is made.

SECTION 9. The trust created hereby shall be irrevocable. This Agreement shall terminate when the moneys on deposit therein have been used to provide for the defeasance of the 2015 Bonds. The Escrow Agent shall thereupon be released and discharged with respect thereto. Any amounts held by the Escrow Agent after March 1, 2025, and not required to pay or to provide for the payment of the principal and interest on the 2015 Bonds when due or upon the redemption thereof, shall be promptly paid over to the County.

SECTION 10. The County shall pay to the Escrow Agent a one-time fee of \$\_\_\_\_\_ for its services as Escrow Agent for the 2015 Bonds, plus any reasonable expenses. Neither the County nor the Escrow Agent shall have any lien or claim whatsoever upon moneys in the Defeasance Fund for the payment of any such fees, compensation or expenses. The Escrow Agent agrees that such provision for payment is satisfactory to it.

SECTION 11. The Escrow Agent shall have no responsibility to the County or any other person in connection herewith except those responsibilities specifically provided herein and shall not be responsible for anything done or omitted to be done by it except for its own negligence, willful misconduct or other default in the performance of any obligation imposed on it hereunder. The Escrow Agent, except as herein specifically provided for, is not a party to, nor is it bound by or need give consideration to the terms or provisions of any other agreement or undertaking between the County and any other person, and the Escrow Agent assents to and is to give consideration only to the terms and provisions of this Agreement. Unless specifically provided herein, the Escrow Agent has no duty to determine to inquire into the happenings or occurrence of any event or contingency or the performance or failure of performance of the County with respect to arrangements or contracts with others, the Escrow Agent's sole duty hereunder being to safeguard the Defeasance Fund and to dispose of and deliver the same in accordance with this Agreement. If, however, the Escrow Agent is called upon by the terms of this Agreement to determine the occurrence of any such event or contingency, the Escrow Agent may request from the County or any other person such reasonable additional evidence as the Escrow Agent in its discretion may deem necessary to determine any fact relating to the occurrence of such event or contingency, and in this connection may inquire and consult with the County, among others, at any time.

In no event shall the Escrow Agent be liable for any failure or delay in the performance of its obligations hereunder because of circumstances beyond the Escrow Agent's control, including, but not limited to, acts of God, flood, war (whether declared or undeclared), terrorism, fire, riot, strikes or work stoppages for any reason, embargo, government action, including any laws, ordinances, regulations or the like which restrict or prohibit the providing of the services contemplated by this Agreement, inability to obtain material, equipment, or communications or computer facilities, or the failure of equipment or interruption of communications or computer facilities, and other causes beyond the Escrow Agent's control whether or not of the same class or kind as specifically named above.

Anything in this Agreement to the contrary notwithstanding, in no event shall the Escrow Agent be liable for special, indirect or consequential loss or damage of any kind whatsoever (including but not limited to lost profits), even if the Escrow Agent has been advised of the likelihood of such loss or damage and regardless of the form of action.

SECTION 12. The Escrow Agent agrees to perform only the express duties and obligations imposed upon it by this Agreement.

The Escrow Agent may resign and thereby become discharged from the duties and obligations hereby created, by notice in writing given to the County and published once in a newspaper of general circulation in the State of South Carolina, and by first-class mail, postage pre-paid, to the respective holders of the 2015 Bonds, not less than 60 days before such resignation is scheduled to take effect. Such resignation shall take effect only upon the appointment of a new escrow agent, and such new escrow agent may be appointed by the County before the time scheduled by such notice, and such new escrow agent may then take over the duties and obligations thereof.

The Escrow Agent may be removed at any time by an instrument or concurrent instruments in writing, executed by the holders of not less than 51% in aggregate principal amount of the 2015 Bonds then outstanding, such instruments to be filed with the County, and notice in writing given by such holders to the County and (unless all of the bondholders have consented to such removal) published once in a newspaper of general circulation in the State of South Carolina, and by first-class mail, postage pre-paid, to the respective holders of the 2015 Bonds, not less than 60 days before such removal is to take effect as stated in such instrument or instruments.

The Escrow Agent may also be removed at any time for any breach of trust or for acting or proceeding in violation of, or for failing to act or proceed in accordance with, any provisions of this Agreement with respect to the duties and obligations of the Escrow Agent, by any court of competent jurisdiction upon the application of the County or the holders of not less than 10% in aggregate principal amount of the 2015 Bonds to be then outstanding. Such removal shall take effect only upon the appointment of a new escrow agent and such new escrow agent must be appointed by the County before the time scheduled by such notice and such new escrow agent may then take over the duties and obligations thereof.

If Regions Bank shall cease to be the Escrow Agent under this Agreement, then, upon appointment of a successor escrow agent, if requested by the County such Escrow Agent shall execute such agreements, assignments and other documents as shall be necessary to vest in such successor escrow trustee all the title, rights, duties and obligations of such Escrow Agent under this Agreement and in the Government Obligations deposited or to be deposited or received by the Escrow Agent under this Agreement, and upon acceptance by such successor escrow agent of the trusts created hereunder, all further title, rights, duties and obligations of such bank under this Agreement shall cease and determine and be discharged, saving rights or liabilities thereto accrued to or by the County or the Escrow Agent.

Any corporation or association into which the Escrow Agent may be merged or with which it may be consolidated, or any corporation or association resulting from any merger, or any corporation or association succeeding to the business of the Escrow Agent, shall be the successor of the Escrow Agent hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto.

SECTION 13. If any one or more of the covenants or agreements provided in this Agreement on the part of the County or the Escrow Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

SECTION 14. This Agreement may be amended to (a) correct language or to cure any ambiguity or defective provisions, omission, mistake or manifest error herein contained; and (b) to provide for the deposit of additional cash and for securities in the Defeasance Fund.

SECTION 15. This Agreement shall be construed under the laws of the State of South Carolina.

SECTION 16. This Agreement may be executed in several counterparts; all or any of such shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

[Signature Page follows]

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers as of the date first above written.

LANCASTER COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
County Administrator

REGIONS BANK, as Escrow Agent

By: \_\_\_\_\_

Its: \_\_\_\_\_



**EXHIBIT A**

## Exhibit E

### NOTICE OF ENACTMENT

On August 14, 2023, the County Council of Lancaster County (the “County Council”), the governing body of Lancaster County, South Carolina (the “County”), enacted an ordinance entitled, “ AN ORDINANCE TO CONSOLIDATE THE PLEASANT VALLEY FIRE PROTECTION DISTRICT AND THE INDIAN LAND FIRE PROTECTION DISTRICT INTO A SINGLE, UNIFIED FIRE PROTECTION DISTRICT; AUTHORIZING AN AMENDMENT TO THE COUNTY’S FISCAL YEAR 2023-24 BUDGET; AND OTHER MATTERS RELATING THERETO” (the “Consolidation Ordinance”).

1. The County Council is empowered pursuant to Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended (the “Enabling Act”), “[t]o establish, operate, and maintain a system of fire protection” within the County.

2. Pursuant to the Enabling Act and Ordinance No. 724 dated February 27, 2006 and Ordinance No. 1083 dated February 1, 2011, the County previously established the Pleasant Valley Fire Protection District (the “PV Fire District”) and the Indian Land Fire Protection District (the “IL Fire District”).

3. Pursuant to the Consolidation Ordinance, the County Council consolidated the PV Fire District and the IL Fire District into a single fire service area under the Enabling Act (the “Consolidation”), which as of the Effective Date (as defined in the Consolidation Ordinance) shall be reconstituted as the Indian Land Consolidated Fire Protection District (the “Indian Land Fire District”).

4. As of the Effective Date, the Indian Land Fire District shall constitute a single unified fire service area in the County and shall operate within the areas described in the Consolidation Ordinance, as well other areas outside the corporate boundaries by contract (as authorized by the Enabling Act).

5. The Indian Land Fire District will be subject to existing provisions of Chapter 14, Article VI of the Lancaster County Code of Ordinances, as amended by the Consolidation Ordinance, which provides that the Indian Land Fire District will be authorized to levy *ad valorem* property taxes and levy rates within its boundaries for operation, maintenance and capital purposes and impose rates and charges (on the basis of equivalent residential units) for operation, maintenance and capital purposes.

6. The County Council created the Indian Land Consolidated Fire District Commission to formulate the annual budget of the organization and make certain advisory recommendations for the Indian Land Fire District; however, daily operations of the the Indian Land Fire District shall be administered by the County, acting through the County’s fire service and rescue division. Additionally, the County shall be authorized to issue general obligation bonds, payable from *ad valorem* taxes levied within the Indian Land Fire District, in order to defray the costs of providing fire protection services within the Indian Land Fire District. Additionally, and

as necessary to fully implement the Consolidation, the Indian Land Fire District may issue refunding general obligation bonds or such other obligations as may be necessary.

# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## NOTICE OF PUBLIC HEARINGS

The County Council of Lancaster County (hereinafter the "County Council"), which is the governing body of Lancaster County, South Carolina (the "County"), is considering the enactment of an ordinance (the "Consolidation Ordinance") entitled: "AN ORDINANCE TO CONSOLIDATE THE PLEASANT VALLEY FIRE PROTECTION DISTRICT AND THE INDIAN LAND FIRE PROTECTION DISTRICT INTO A SINGLE, UNIFIED FIRE PROTECTION DISTRICT; AUTHORIZING AN AMENDMENT TO THE COUNTY'S FISCAL YEAR 2023-24 BUDGET; AND OTHER MATTERS RELATING THERETO." As required by Sections 4-19-20 and 6-1-80 of the Code of Laws of South Carolina 1976, as amended, you are advised that separate public hearings will be held in the Lancaster County Administration Facility (County Council Chambers) located at 101 North Main Street, Lancaster, South Carolina 29720, on August 14, 2023, at 6:00 p.m. (or as soon thereafter as time permits) on the questions of (1) the Consolidation (as defined herein), and (2) the

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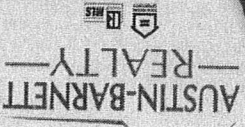
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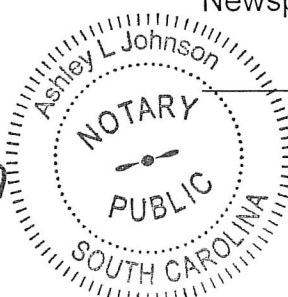
July 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> 2023.

SWORN to before me this 20<sup>th</sup> day of

July, 2023

Notary Public for South Carolina  
My Commission Expires: 01/20/2027

Newspaper Rep Signature



980 N Woodland Drive  
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803-283-1133

The County Council of Lancaster County (hereinafter the "County Council"), which is the governing body of Lancaster County, South Carolina (the "County"), is considering the enactment of an ordinance (the "Consolidation Ordinance") entitled, "AN ORDINANCE TO CONSOLIDATE THE PLEASANT VALLEY FIRE PROTECTION DISTRICT AND THE INDIAN LAKE FIRE PROTECTION DISTRICT INTO A SINGLE UNIFIED FIRE PROTECTION DISTRICT; AND TO REPEAL ORDINANCE 19-10, 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, 19-19, 19-20, 19-21, 19-22, 19-23, 19-24, 19-25, 19-26, 19-27, 19-28, 19-29, 19-30, 19-31, 19-32, 19-33, 19-34, 19-35, 19-36, 19-37, 19-38, 19-39, 19-40, 19-41, 19-42, 19-43, 19-44, 19-45, 19-46, 19-47, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 19-54, 19-55, 19-56, 19-57, 19-58, 19-59, 19-60, 19-61, 19-62, 19-63, 19-64, 19-65, 19-66, 19-67, 19-68, 19-69, 19-70, 19-71, 19-72, 19-73, 19-74, 19-75, 19-76, 19-77, 19-78, 19-79, 19-80, 19-81, 19-82, 19-83, 19-84, 19-85, 19-86, 19-87, 19-88, 19-89, 19-90, 19-91, 19-92, 19-93, 19-94, 19-95, 19-96, 19-97, 19-98, 19-99, 19-100, 19-101, 19-102, 19-103, 19-104, 19-105, 19-106, 19-107, 19-108, 19-109, 19-110, 19-111, 19-112, 19-113, 19-114, 19-115, 19-116, 19-117, 19-118, 19-119, 19-120, 19-121, 19-122, 19-123, 19-124, 19-125, 19-126, 19-127, 19-128, 19-129, 19-130, 19-131, 19-132, 19-133, 19-134, 19-135, 19-136, 19-137, 19-138, 19-139, 19-140, 19-141, 19-142, 19-143, 19-144, 19-145, 19-146, 19-147, 19-148, 19-149, 19-150, 19-151, 19-152, 19-153, 19-154, 19-155, 19-156, 19-157, 19-158, 19-159, 19-160, 19-161, 19-162, 19-163, 19-164, 19-165, 19-166, 19-167, 19-168, 19-169, 19-170, 19-171, 19-172, 19-173, 19-174, 19-175, 19-176, 19-177, 19-178, 19-179, 19-180, 19-181, 19-182, 19-183, 19-184, 19-185, 19-186, 19-187, 19-188, 19-189, 19-190, 19-191, 19-192, 19-193, 19-194, 19-195, 19-196, 19-197, 19-198, 19-199, 19-200, 19-201, 19-202, 19-203, 19-204, 19-205, 19-206, 19-207, 19-208, 19-209, 19-210, 19-211, 19-212, 19-213, 19-214, 19-215, 19-216, 19-217, 19-218, 19-219, 19-220, 19-221, 19-222, 19-223, 19-224, 19-225, 19-226, 19-227, 19-228, 19-229, 19-230, 19-231, 19-232, 19-233, 19-234, 19-235, 19-236, 19-237, 19-238, 19-239, 19-240, 19-241, 19-242, 19-243, 19-244, 19-245, 19-246, 19-247, 19-248, 19-249, 19-250, 19-251, 19-252, 19-253, 19-254, 19-255, 19-256, 19-257, 19-258, 19-259, 19-260, 19-261, 19-262, 19-263, 19-264, 19-265, 19-266, 19-267, 19-268, 19-269, 19-270, 19-271, 19-272, 19-273, 19-274, 19-275, 19-276, 19-277, 19-278, 19-279, 19-280, 19-281, 19-282, 19-283, 19-284, 19-285, 19-286, 19-287, 19-288, 19-289, 19-290, 19-291, 19-292, 19-293, 19-294, 19-295, 19-296, 19-297, 19-298, 19-299, 19-300, 19-301, 19-302, 19-303, 19-304, 19-305, 19-306, 19-307, 19-308, 19-309, 19-310, 19-311, 19-312, 19-313, 19-314, 19-315, 19-316, 19-317, 19-318, 19-319, 19-320, 19-321, 19-322, 19-323, 19-324, 19-325, 19-326, 19-327, 19-328, 19-329, 19-330, 19-331, 19-332, 19-333, 19-334, 19-335, 19-336, 19-337, 19-338, 19-339, 19-340, 19-341, 19-342, 19-343, 19-344, 19-345, 19-346, 19-347, 19-348, 19-349, 19-350, 19-351, 19-352, 19-353, 19-354, 19-355, 19-356, 19-357, 19-358, 19-359, 19-360, 19-361, 19-362, 19-363, 19-364, 19-365, 19-366, 19-367, 19-368, 19-369, 19-370, 19-371, 19-372, 19-373, 19-374, 19-375, 19-376, 19-377, 19-378, 19-379, 19-380, 19-381, 19-382, 19-383, 19-384, 19-385, 19-386, 19-387, 19-388, 19-389, 19-390, 19-391, 19-392, 19-393, 19-394, 19-395, 19-396, 19-397, 19-398, 19-399, 19-400, 19-401, 19-402, 19-403, 19-404, 19-405, 19-406, 19-407, 19-408, 19-409, 19-410, 19-411, 19-412, 19-413, 19-414, 19-415, 19-416, 19-417, 19-418, 19-419, 19-420, 19-421, 19-422, 19-423, 19-424, 19-425, 19-426, 19-427, 19-428, 19-429, 19-430, 19-431, 19-432, 19-433, 19-434, 19-435, 19-436, 19-437, 19-438, 19-439, 19-440, 19-441, 19-442, 19-443, 19-444, 19-445, 19-446, 19-447, 19-448, 19-449, 19-450, 19-451, 19-452, 19-453, 19-454, 19-455, 19-456, 19-457, 19-458, 19-459, 19-460, 19-461, 19-462, 19-463, 19-464, 19-465, 19-466, 19-467, 19-468, 19-469, 19-470, 19-471, 19-472, 19-473, 19-474, 19-475, 19-476, 19-477, 19-478, 19-479, 19-480, 19-481, 19-482, 19-483, 19-484, 19-485, 19-486, 19-487, 19-488, 19-489, 19-490, 19-491, 19-492, 19-493, 19-494, 19-495, 19-496, 19-497, 19-498, 19-499, 19-500, 19-501, 19-502, 19-503, 19-504, 19-505, 19-506, 19-507, 19-508, 19-509, 19-510, 19-511, 19-512, 19-513, 19-514, 19-515, 19-516, 19-517, 19-518, 19-519, 19-

Public comments may be made in person at the public hearings or submitted in written format to be provided to the County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration. If read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the County website homepage (<https://www.mycanvassazoo.org/>), by email to [info@sanjoseca.gov](mailto:info@sanjoseca.gov), or by mail addressed to Clerk to Court at Post Office Box 1809, Lancaster, SC 29721 with the subject line "Lancaster, net, or other appropriate identifier clearly referenced in the communication. All public hearings and any adjournment of them, all interested persons may be heard either in person or by their designee or by the submission of written comments.

A. The Consolidation

1. The County Council is empowered pursuant to Title 4, Chapter 19 of the Code of Laws of South Carolina 1976, as amended, to consolidate the County Council of the County of Charleston, South Carolina, with the County Council of the County of Berkeley, South Carolina, pursuant to the following Ordinance No. 1083, dated January 1, 2011 (together, the "Fire Ordinance"), which was duly passed and adopted by the County Council of the County of Charleston, South Carolina, on January 1, 2011 (together, the "Fire Ordinance").

2. Pursuant to the Enabling Act, Ordinance No. 724, dated February 27, 2006 and Ordinance No. 1083, dated January 1, 2011 (together, the "Fire Ordinance"), the County Council of the County of Charleston, South Carolina, has adopted the Fire Protection District ("FPD") and the Indian Land Fire Protection District ("ILFD") and together with PFD, the "Fire Protection Districts").

3. Pursuant to the Consolidation Ordinance, the County Council seeks to consolidate the Fire Districts into a single fire service area under the Enabling Act, the "Consolidation", which shall be reconstituted as the Indian Land Consolidated Fire Protection District (the "Indian Land Fire District"). Through such action, the County Council desires that the Consolidation will:

- (a) attract new firefighters (both paid and volunteer); (b) retain existing firefighters (both paid and volunteer); (c) allow for proper training of new and existing firefighters; (d) stabilize service calls and fire station capacity; (e) promote better responsiveness and fire service to taxpayers, residents, and businesses within the county; and (f) more effectively spread the cost of fire protection throughout the County.

4. After the Consolidation, the Indian Land Fire District shall constitute a single unified fire service area in the County, the service area of which shall consist of the area formerly served by the Fire Districts, as well other areas outside the corporate boundaries by contract (as authorized by the Enabling Act).

5. The Indian Land Fire District will be subject to the terms of the Consolidation Ordinance, the terms of which are hereby adopted by resolution. In addition, the Indian Land Fire District will be subject to the terms of the Indian Land and Estate Fire Ordinance in its entirety. Particularly, the Consolidation Ordinance provides that the Indian Land Fire District will be authorized to (i) levy ad valorem property taxes within its boundaries for operation, maintenance and capital purposes, and (ii) impose rates and charges (on the basis of equivalent residential units) for operation, maintenance and capital purposes.

6. The Indian Land Fire District shall be operated as an administrative division of the County and shall be authorized to issue general obligation bonds, payable from ad valorem taxes levied within its service area, in order to defray the capital costs of providing fire protection services therein. Additionally, and as necessary to fully implement the Consolidation, the Indian Land Fire District may issue refunding general obligation bonds or such other obligations as may be necessary.

As of the effective date thereof, there is currently outstanding \$1,070,000 of the original principal amount \$1,935,000 General Obligation Bonds (Placitas Valley Fire Protection District Series 2015B) (the "Outstanding GO Bond") maturing on March 1, 2030. The Outstanding GO Bond was issued for the benefit of PVFD, and absent the consent of the holder thereof, is not subject to optional redemption until March 1, 2025. As a result of the Consolidation, the County Council is considering whether to effect a cash defeasance (or negotiated replacement, as applicable) of the Outstanding GO Bond with available unrestricted monies in the general fund. The funds necessary to defease or redeem the outstanding principal and accrued interest on the Outstanding GO Bond on its Effective Date (as defined below) would be used to acquire the County's "Debtfeasance Budget Amendment" to duly and properly authorize and require the County to amend such budget (the "Debtfeasance Budget Amendment"). To duly and properly authorize and require the County to amend such budget, the money necessary to legally defease and/or redeem the Outstanding GO Bond will be drawn from the County's general fund balance, and therefore, the proposed Debtfeasance Budget Amendment does not result in any change to the County's millage rate for the general fund or either of the Fire Districts.

Additionally, the County has duly adopted fiscal year 2023-2024 budgets for each of the Fire Districts. As of the Effective Date, the Consolidation may occur. As a result of the Consolidation, the County's fiscal year 2023-2024 budget, which contemplates the independent operation and funding of the Fire Districts, shall be amended, modified and revised to account for the Consolidation (the "Consolidation Budget Amendment" and together with the Debtfeasance Budget Amendment, the "Budget Amendments"). The Budget Amendments are being prepared by the County Counsel and the County Auditor. As a result of the Consolidation Budget Amendment, it is anticipated to create any new revenues or increase fire fees and expenses (if any) resulting in higher fire fees or charges) since such fees and charges were approved as part of the County's fiscal year 2023-2024 budget. As of the Effective Date, the operating budget for fiscal year 2023-24, as amended by the Budget Amendment, shall be as follows:

3. The current operating budget for fiscal year 2023-2024 and the proposed amended operating budget for fiscal year 2023-2024 are as follows:

| General Fund     | FY 2022-2023<br>Approved | FY 2023-2024<br>Proposed Amended* | Percentage<br>Change |
|------------------|--------------------------|-----------------------------------|----------------------|
| Revenues         | \$85,941,011             | \$87,072,236                      | 1.31%                |
| Expenses         | \$85,941,011             | \$87,072,236                      | 1.31%                |
| LED Fund**       | Approved                 | Proposed Amended                  | Change               |
| Revenues         | \$350,810                | \$0                               | N/A                  |
| Expenses         | \$350,810                | \$0                               | N/A                  |
| Approved Fund**  | Approved                 | Proposed Amended                  | Change               |
| Revenues         | \$390,293                | \$0                               | N/A                  |
| Expenses         | \$390,293                | \$0                               | N/A                  |
| Indian Land Fire | Approved                 | Proposed Amended                  | Change               |
| Revenues         | \$0                      | \$3,981,450                       | N/A                  |
| Expenses         | \$0                      | \$3,981,450                       | N/A                  |

\* Increase attributable to \$1,131,225 appropriated from fund balance to effect the defeasance of the Outstanding 30 Bond.

COUNTY COUNCIL OF LANCASTER COUNTY

Published in The Lancaster News,  
Carolina, in accordance with  
the 2023.

yspaper Rep Signature



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1862 / Planning Case Number: RZ-2023-0739

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Application by Barby Barchu to rezone .30 acres at 165 Brooklyn Avenue, Lancaster (TM# 0081H-0C-013.00) from Medium Density Residential (MDR) to Neighborhood Business (NB) District, in order to re-establish the existing vacant business use.

**Points to Consider:**

Barby Barchue operated a neighborhood convenience store on Brooklyn Ave as a non-conforming use until a few years ago. Barby experienced a number of break-ins that forced him to close down his store for longer than 6 months.

This rezoning would allow Mr. Barchue to reopen his store and bring it under conformity of the UDO.

**Funding and Liability Factors:**

N/A

**Recommendation:**

Planning Commission recommended approval of RZ-2023-0739 at their July Regular Meeting.

Staff also recommends approval.

**ATTACHMENTS:**

| Description                                                                                   | Upload Date | Type                   |
|-----------------------------------------------------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1862                                                                           | 8/9/2023    | Ordinance              |
| Staff Report                                                                                  | 7/11/2023   | Exhibit                |
| Application                                                                                   | 6/22/2023   | Exhibit                |
| Location Map                                                                                  | 7/11/2023   | Exhibit                |
| Plat                                                                                          | 6/22/2023   | Exhibit                |
| Public Hearing Notice for Ordinance 2023-1862 (Planning Department Case Number: RZ-2023-0739) | 7/25/2023   | Public Hearing Notices |

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1862

COUNTY OF LANCASTER

)

### AN ORDINANCE

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 0.30 ACRES (TM# 0081H-0C-013.00) LOCATED AT 165 BROOKLYN AVE, FROM MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT TO NEIGHBORHOOD BUSINESS (NB) DISTRICT.**

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

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

The Council finds and determines that:

(a) Barby Barchu applied to rezone a 0.30-acre parcel of real property (TM# 0081H-0C-013.00) owned by Mr. Barchu, being located at 165 Brooklyn Ave, Lancaster, from Medium Density Residential (MDR) District to Neighborhood Business (NB) District.

(b) On July 18, 2023, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 6-0 vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property is Urban, which corresponds to the Community Type of Walkable Neighborhood w/ additional intensity. The adopted Comprehensive Plan states that the “The Community Type “Walkable Neighborhood” is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century and has been revived in recent decades as a relevant option for future development.” The requested NB District is consistent with the Urban Future Land Use Category and the Comprehensive Plan.

#### **Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from Medium Density Residential (MDR) District to Neighborhood Business (NB) District, for the following property as identified by tax map numbers or other appropriate identifiers:

Tax Map No. (TM# 0081H-0C-013.00), located at 165 Brooklyn Ave, Lancaster.

**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, to the extent to of the conflict, 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 \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:            August 14, 2023  
Public Hearing:           August 14, 2023  
Second Reading:        August 28, 2023  
Third Reading:          September 11, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney

**PROPOSAL:** Request to rezone 0.3 acres of property

**PROPERTY LOCATION:** 165 Brooklyn Avenue, Lancaster (TM# 0081H-OC-013.00)

**CURRENT ZONING DISTRICT:** Medium Density Residential (MDR) District

**PROPOSED ZONING DISTRICT:** Neighborhood Business (NB) District

**APPLICANT:** Barby Barchu

**COUNCIL DISTRICT:** District 2, Charlene McGriff

**STATUTORY NOTICES:** Hearing notice published 7/1/2023 in The Lancaster News  
Signs posted 6/29/2023  
Mailed notices 6/29/2023  
Posted agenda in lobby 7/11/2023

## OVERVIEW:

### ***Proposal/Site information***

The applicant has requested to rezone a parcel 0.3 acres in size. The intent is to re-establish an existing convenience store, which was a grandfathered non-conforming use after 2016 County zoning. The owner had to close the business for a period of time greater than 6 months and lost its grandfathered status. Rezoning will allow the owner to re-open his business.

### ***Summary of Adjacent Zoning and Uses***

The properties are surrounded predominantly by NB and MDR zoned properties. There is an NB parcel within 20 feet to the east across Todd Street, and another adjacent to that parcel.

| Adjacent Property | Jurisdiction     | Zoning District | Use         |
|-------------------|------------------|-----------------|-------------|
| North             | Lancaster County | MDR             | Residential |
| South             | Lancaster County | MDR             | Residential |
| East              | Lancaster County | NB              | Vacant      |
| West              | Lancaster County | MDR             | Residential |

## ANALYSIS & FINDINGS:

### ***Zoning Districts***

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

### **Requested NB**

Pursuant to UDO Chapter 2.3, “the requested NB District *is generally located on thoroughfares and provides opportunities for the provision of neighborhood services that serve as an acceptable transition to generally auto-dependent neighborhoods.*”

### **RELATIONSHIP TO PUBLIC PLANS**

The Future Land Use Category of the subject properties is Urban, which corresponds to the Community Type of Walkable Neighborhood w/ additional intensity. The adopted Comprehensive Plan states that the “The Community Type “Walkable Neighborhood” is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.” The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Urban Future Land Use Category extends from just beyond the limits of The City of Lancaster, Town of Heath Springs, and Town of Kershaw. The Urban Future Land Use Category and Walkable Neighborhood w/ additional intensity Community Type are intended to be Synonyms.

The requested NB District is consistent with the Future Land Use Category and the Comprehensive Plan.

| Suburban Single-Family/Multi-Family Neighborhood: Land Use Considerations |                         |                     |
|---------------------------------------------------------------------------|-------------------------|---------------------|
| Single-Family Detached Home                                               | Neighborhood Commercial | Government Building |
| Single-Family Attached Home<br>(Town Home / Duplex)                       | Restaurant              | Church              |
| Condominium / Apartment                                                   | Professional Office     | School              |

### **INFRASTRUCTURE CONSIDERATIONS**

#### **Transportation**

There are no issues with traffic generated from this request at this time. A TIA will be required in the future if the proposed use crosses the threshold for trips generated.

#### **Public Utilities**

Water and sewer service is provided by the City of Lancaster.

#### **Public Schools**

There are no capacity concerns for the schools within this area pertaining to this change.

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**PHOTOS OF PROJECT AREA:**



*An ariel view of the subject property*



*Facing subject parcel off the corner of Brooklyn Ave and Todd Street.*



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**STAFF RECOMMENDATION:**

Staff recommends **Approval** of the request to rezone 0.3 acres (TM# 0081H-OC-013.00) from Medium Density Residential (MDR) District to Neighborhood Business (NB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0081H-OC-013.00
2. That the subject property is currently zoned MDR District and proposed to be rezoned NB District;
3. That the subject property has a Future Land Use designation of Urban, and a Community Type of Walkable Neighborhood; and
4. That the proposed NB District is generally consistent with the surrounding area which is comprised of MDR and NB Districts.

---

**ATTACHMENTS:**

1. Rezoning Application
2. Recorded Plat
3. Location Map/ Zoning Map

**STAFF CONTACT:**

Matthew Blaszyk, Planner  
[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net) | 803-416-9380



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721  
Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)  
[www.mylanastersc.org](http://www.mylanastersc.org)

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

Property Address 165 Brooklyn Avenue  
City Lancaster State SC Zip 29720 Tax Parcel ID 0081H-0C-013.00  
Current Zoning MDR Current Use vacant/commercial structure  
Proposed Zoning NB Total Acres approx .30 acres  
Project Description Rezone from MDR to NB to allow continuation of former commercial use of structure. Business was closed for 3 years and lost non-conforming use.  
New commercial tenancy requires change in zoning

Surrounding Property Description NB zoning to east and further along Brooklyn Avenue. Largely MDR surrounding on other sides of property.

CONTACT INFORMATION

Applicant Name BarbyBarchu  
Address 305 Cedar Street  
City Lancaster State SC Zip 29720 Phone 704-963-5732  
Fax \_\_\_\_\_ Email barbybarchu@gmail.com  
Property Owner Name Barby & Lou Barchu  
Address same  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

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

XX Burby H. Barichue  
Applicant

04 21 - 2023  
Date

XX Burby H. Barichue  
Property Owner(s)

04 21 - 2023  
Date

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

#### LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

#### SCHEDULE/PROCESS 1. Submit Application

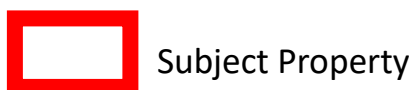
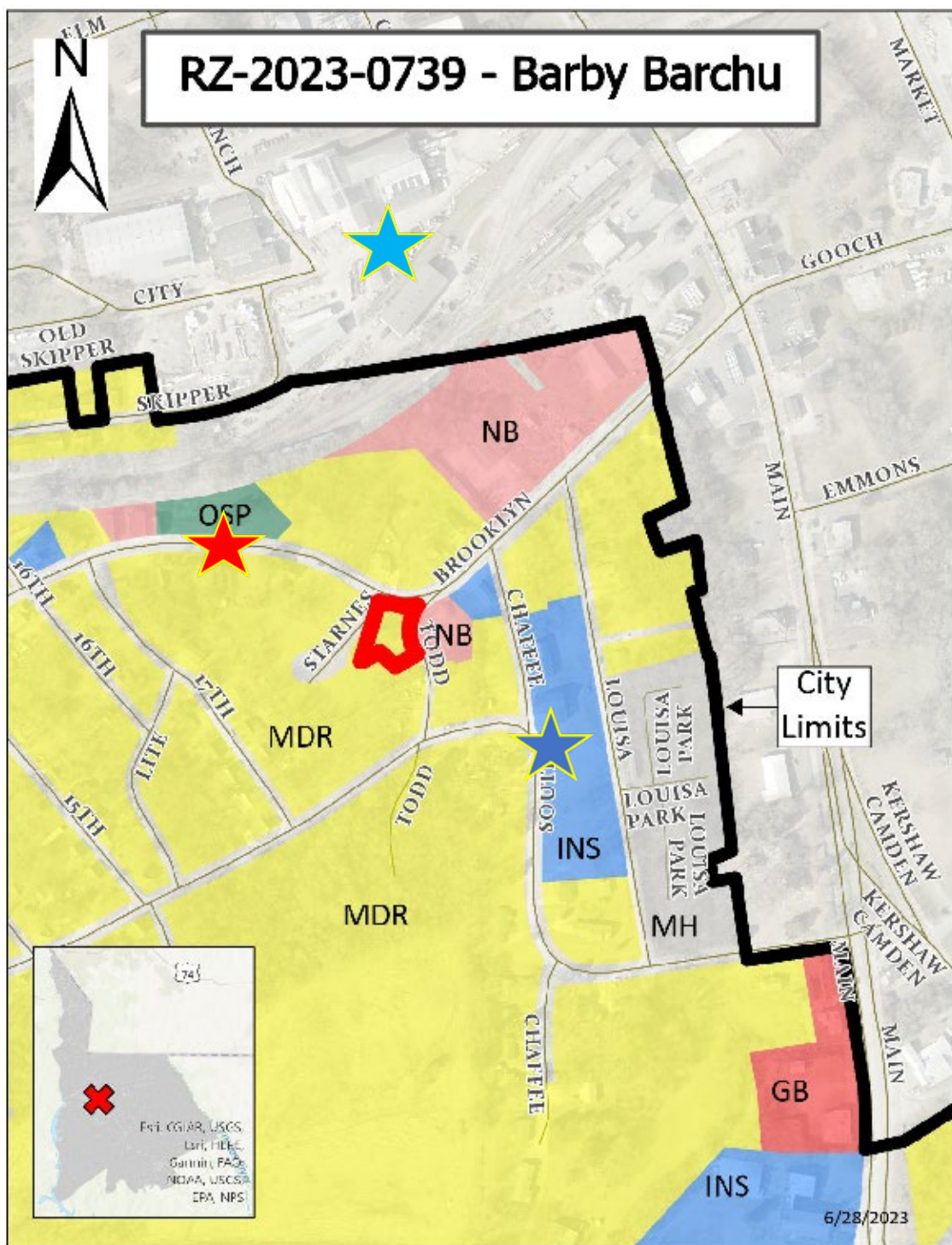
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and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

#### 2. Planning Commission

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

#### 3. County Council

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

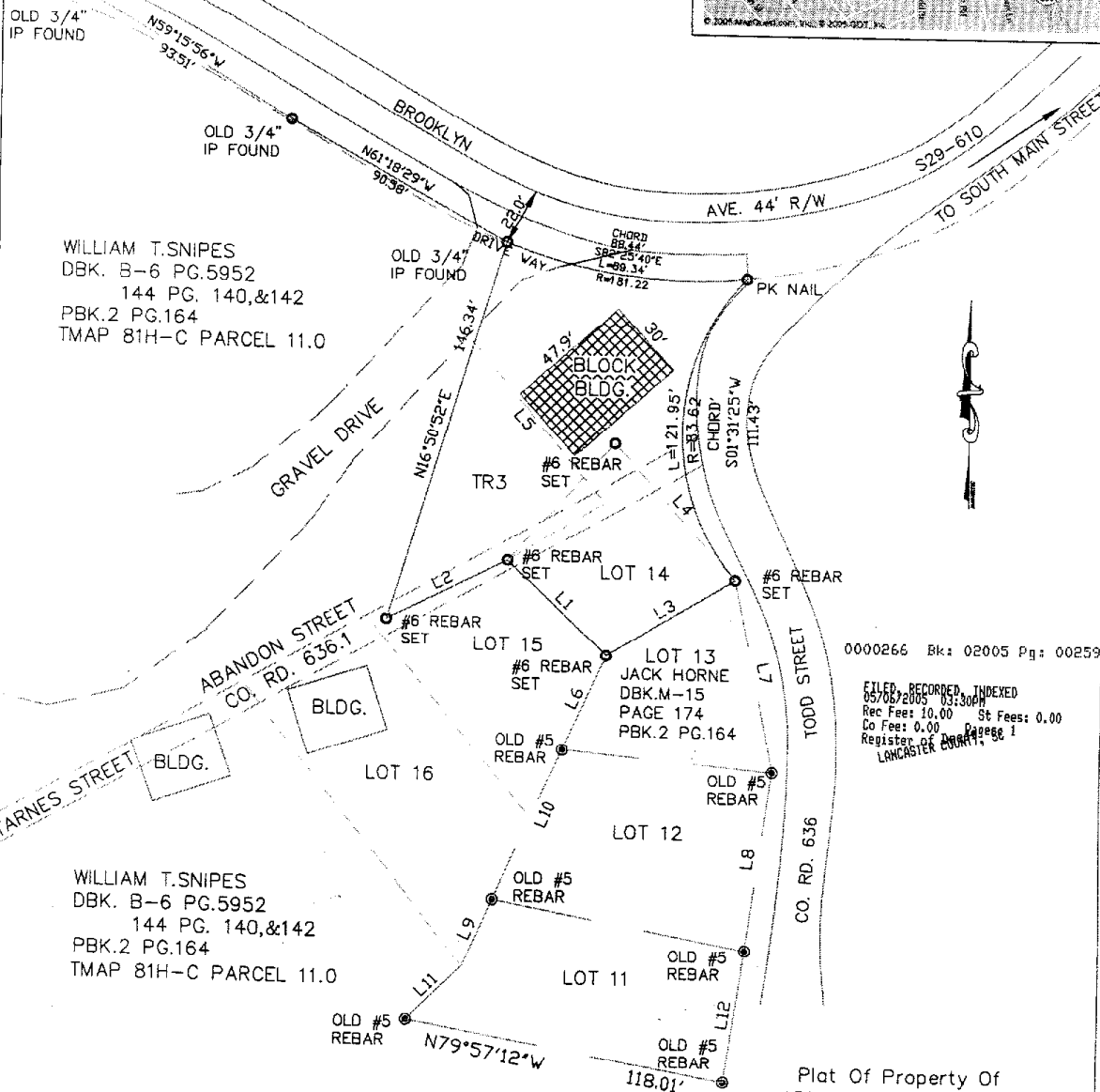
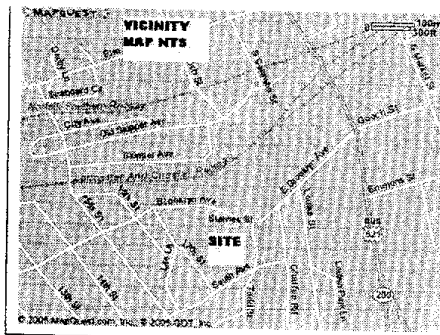


- Proposal:**  
Rezoning MDR to NB
- Lifeline Ministries International
- Stafford Belk Park
- Builder's Supply Co.



AREA= 0.270 AC.  
 DEED REFERENCE:  
 DEED BOOK Z-3 PAGE 187 (LOT 14)  
 DEED BOOK G-3 PAGE 247 (TR.3)  
 DEED BOOK C-3 PAGE 340

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 50.40  | N46°12'26"W |
| L2         | 49.62  | S62°39'31"W |
| L3         | 55.00  | S58°02'34"W |
| L4         | 66.50  | S41°41'00"E |
| L5         | 75.90  | S39°49'30"E |
| L6         | 38.00  | S24°02'34"W |
| L7         | 72.15  | N11°38'33"W |
| L8         | 66.57  | N08°11'30"E |
| L9         | 27.16  | N24°02'34"E |
| L10        | 61.04  | S24°02'34"W |
| L11        | 28.22  | S45°02'28"W |
| L12        | 48.86  | N08°09'57"E |



0000266 Bk: 02005 Pg: 00259  
 FILED, RECORDED, INDEXED  
 05/06/2005 03:30PM  
 Rec Fee: 10.00 St Fees: 0.00  
 Co Fee: 0.00 Page 1  
 Register of Deeds  
 LANCASTER COUNTY

NOTE: This lot does not lie within any designated flood area and there are no encroachments or projections other than as shown on this plat.

Ordinance #415 -  
 This plat does not create any new lots, easements, right-of-ways or property lines.

Plat Of Property Of  
**ALVIN E. McMANUS**  
 Located At  
 165 Brooklyn Ave.  
 Lancaster, South Carolina  
 Lancaster County

Scale 1" = 40' Date 03/31/05

GRAPHIC SCALE



( IN FEET )  
 1 inch = 40 ft.

Survey By: J. C. Crumpler  
 S.C. Reg. No. 6574  
 207 Chesterfield Avenue  
 Lancaster, South Carolina  
 1-803-283-9818

I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein."

|           |        |         |                    |
|-----------|--------|---------|--------------------|
| OWN BY:   | JCC    | DATE:   | 03/31/2005         |
| LOKED BY: | JCC    | TAX MAP | 81H-C PARCEL 10&13 |
| P. NO.:   | 05-3-4 | SHEET   | 1 OF 1             |

*J. C. Crumpler*

# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission and County Council will conduct public hearings on Tuesday, July 18, 2023, and Monday, August 14, 2023, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. UDO-TA-2023-0972: Chapter Two, Sec 2.4 District Standards (MDR): Application by Planning Department on behalf of County Council to amend standards for MDR district, regarding lot size, front setbacks, usable open space, block length, and density calculation.
2. UDO-TA-2023-0973: Chapter 4, Sec. 4.4 1 Cluster Subdivision Overlay Standards: Application by Planning Department on behalf of County Council to amend standards for Cluster Subdivision Overlay District, regarding lot size, front setbacks, usable open space, block length, CSOD lot size mix, and density calculation.
3. UDO-TA-2023-0975: Chapter 6, Sec. 5 County Street Classification & Design: Application by Planning Department on behalf of County Council to amend Section 6.5 County Street Classification & Design.
4. RZ-2023-0739: Application by Barby Barchu to rezone .30 acres at 165 Brooklyn Avenue, Lancaster (TM# 0081H-0C-013.00) from Medium Density Residential (MDR) to Neighborhood Business (NB) District, in order to re-establish the existing vacant business use.
5. RZ-2023-0831: Application by Ronald Woods and Rev. Matthew Alexander on behalf of Grace- Lynwood United Methodist Church to rezone 5.819 acres at 1743 Lynwood Drive (TM# 0087G-0C-004.00) from Institutional (INS) to Medium Density Residential (MDR) District, in order to market the property for residential use.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department located at 101 North Main Street, Lancaster, South Carolina. Persons requiring special arrangements due to handicap please call (803) 285-6005 at least 24 hours in advance.

Public comments may be made in person at the hearing or submitted in written format to be provided to the Planning Commission or to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website (<https://www.mylancaster.org/>), email to [SSimpson@lancaster.org](mailto:SSimpson@lancaster.org), or by mail addressed to Clerk to Council at 101 N. Main Street, Lancaster, SC 29720 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News,  
a general circulation in Lancaster County, South Carolina, in accordance with  
law on July 1st 2023.

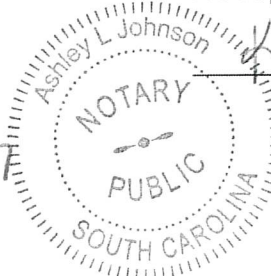
SWORN to before me this 3rd day of  
July, 2023

Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature



Christi Ross



# CAROLINA GATEWAY

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-339-6862

## PUBLIC HEARING NOTICE

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published in the Carolina  
a, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

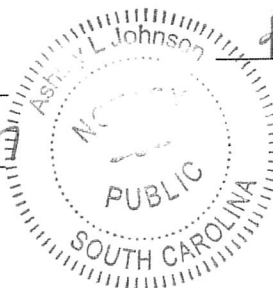
Newspaper Rep Signature

July 5, 2023  
Ashley L. Johnson

Koushi Rana

Notary Public for South Carolina

My Commission Expires: 01/20/2025



# CAROLINA GATEWAY

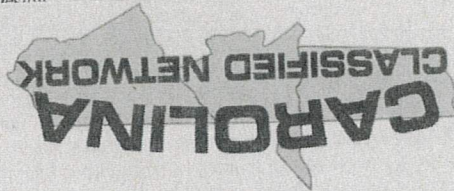
980 N Woodland Drive  
PO Box 640  
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Serving  
The Lancaster News  
Carolina Gateway  
The News & Reporter  
The Progressive Journal



classifieds@thelancasternews.com

I hereby certify that on the above notice published in the Carolina Gateway in Lancaster County, South Carolina, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

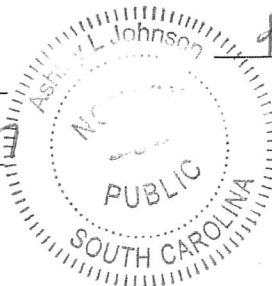
July, 2023  
Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2025

Newspaper Rep Signature

Koushi Roro



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1863 / Planning Case Number: RZ-2023-0831

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Application by Ronald Woods and Rev. Matthew Alexander on behalf of Grace-Lynwood United Methodist Church to rezone 5.819 acres at 1743 Lynwood Drive (TM# 087G-0C-004.00) from Institutional (INS) to Medium Density Residential (MDR) District, in order to market the property for residential use.

### **Points to Consider:**

The Church on the site was torn down a few years ago. All that remain is the former parsonage and a small storage building.

Since the land is currently zoned Institutional, only an employee of the Church can live on the property.

Rezoning of the property would allow for the property to be placed on the market as a residential property.

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

N/A

### **Recommendation:**

Planning Commission recommended approval at their July Regular Meeting.

Staff also recommends approval.

### **ATTACHMENTS:**

| Description                                                                                   | Upload Date | Type                   |
|-----------------------------------------------------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1863                                                                           | 8/9/2023    | Ordinance              |
| Staff Report                                                                                  | 7/11/2023   | Exhibit                |
| Application                                                                                   | 6/22/2023   | Exhibit                |
| Location Map                                                                                  | 7/11/2023   | Exhibit                |
| Plat                                                                                          | 6/22/2023   | Exhibit                |
| Public Hearing Notice for Ordinance 2023-1863 (Planning Department Case Number: RZ-2023-0831) | 7/25/2023   | Public Hearing Notices |

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1863

COUNTY OF LANCASTER

)

### AN ORDINANCE

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 5.819 ACRES (TM# 0087G-0C-004.00) LOCATED AT 1743 LYNWOOD DR, FROM INSTITUTIONAL (INS) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT.**

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

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

The Council finds and determines that:

(a) Ronald Woods and Rev. Matthew Alexander, on behalf of Grace-Lynwood United Methodist Church, applied to rezone a 5.819-acre parcel of real property (TM# 0087G-0C-004.00) owned by the church, being located at 1743 Lynwood Dr, Lancaster, from Institutional (INS) District to Medium Density Residential (MDR) District.

(b) On July 18, 2023, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a 6-0 vote, recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property is Urban, which corresponds to the Community Type of Walkable Neighborhood w/ additional intensity. The adopted Comprehensive Plan states that the “The Community Type “Walkable Neighborhood” is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century and has been revived in recent decades as a relevant option for future development.” The requested MDR District is consistent with the Urban Future Land Use Category and the Comprehensive Plan.

#### **Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from Institutional (INS) District to Medium Density Residential (MDR) District, for the following property as identified by tax map numbers or other appropriate identifiers:

Tax Map No. (TM# 0087G-0C-004.00), located at 1743 Lynwood Dr, Lancaster.



**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, to the extent to of the conflict, 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 \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading: August 14, 2023  
Public Hearing: August 14, 2023  
Second Reading: August 28, 2023  
Third Reading: September 11, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney



**PROPOSAL:** Request to rezone 5.819 acres of property

**PROPERTY LOCATION:** 1743 Lynwood Drive (TM# 0087G-OC-004.00)

**CURRENT ZONING DISTRICT:** Institutional (INS) District

**PROPOSED ZONING DISTRICT:** Medium Density Residential (MDR) District

**APPLICANT:** Ronald Woods and Rev. Matthew Alexander  
on behalf of Grace-Lynwood United Methodist Church

**COUNCIL DISTRICT:** District 2, Charlene McGriff

**STATUTORY NOTICES:** Hearing notice published 7/1/2023 in The Lancaster News  
Signs posted 6/29/2023  
Mailed notices 6/29/2023  
Posted agenda in lobby 7/11/2023

## OVERVIEW:

### *Proposal*

The applicant has requested to rezone a parcel 5.819 acres in size. The intent is to allow the property to be marketed as a residential property. There is a home on site which was the parsonage and storage building for the church formerly located at this parcel, which has since been demolished.

### *Site Information*

The parcel proposed to be rezoned is currently zoned for Institutional use, but the church formerly on site has been demolished. The owners wish to market the home solely as residential use.

### *Summary of Adjacent Zoning and Uses*

The properties are surrounded predominantly by MDR and GB zoned properties. There are MDR parcels located across the street and GB parcels directly adjacent to the site.

| Adjacent Property | Jurisdiction     | Zoning District | Use         |
|-------------------|------------------|-----------------|-------------|
| North             | Lancaster County | GB              | Vacant      |
| South             | Lancaster County | MDR             | Residential |
| East              | Lancaster County | GB              | Vacant      |
| West              | Lancaster County | MDR             | Residential |

## ANALYSIS & FINDINGS:

### *Zoning Districts*

As previously noted, the subject property is currently in the INS District. Pursuant to UDO Chapter 2.3, INS District is “...intended to allow for the continued and future use, expansion, and new development of academic and religious campuses, governmental and health facilities, and public and private utility infrastructure. The goal is to promote the many varied uses associated with such institutions while

*maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, open space, and the like.”*

#### **Requested MDR**

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

#### **RELATIONSHIP TO PUBLIC PLANS**

The Future Land Use Category of the subject properties is Urban, which corresponds to the Community Type of Walkable Neighborhood w/ additional intensity. The adopted Comprehensive Plan states that the “The Community Type “Walkable Neighborhood” is synonymous with the Place Type “Mixed-Use Neighborhood.” This is due to its very specific characteristics that set it apart from most other Place Types by virtue of its deliberately structured mix of dwelling types in a development context that often operates through the separation of uses, densities and/or land value. This Place Type and Community Type has its roots in the traditional character of American communities during the early part of the 20th century, and has been revived in recent decades as a relevant option for future development.” The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Urban Future Land Use Category extends from just beyond the limits of The City of Lancaster, Town of Heath Springs, and Town of Kershaw. The Urban Future Land Use Category and Walkable Neighborhood w/ additional intensity Community Type are intended to be Synonyms.

The requested MDR District is consistent with the Future Land Use Category and the Comprehensive Plan.

| Suburban Single-Family/Multi-Family Neighborhood: Land Use Considerations |                         |                     |
|---------------------------------------------------------------------------|-------------------------|---------------------|
| Single-Family Detached Home                                               | Neighborhood Commercial | Government Building |
| Single-Family Attached Home<br>(Town Home / Duplex)                       | Restaurant              | Church              |
| Condominium / Apartment                                                   | Professional Office     | School              |

## INFRASTRUCTURE CONSIDERATIONS

### ***Transportation***

There are no issues with traffic generated from this request at this time.

### **Public Utilities**

The LCWSD is currently providing water and sewer access to the site.

### **Public Schools**

There are no capacity concerns for the schools within this area pertaining to this change.

---

## PHOTOS OF PROJECT AREA:



*An ariel view of the subject property*





*Facing residence off Lynwood Drive*



*Facing former church site and residence off Lynwood Drive*

---

**STAFF RECOMMENDATION:**

Staff recommends **Approval** of the request to rezone 5.819 acres (TM# 0087G-0C-004.00) from Institutional District (INS) to Medium Density Residential (MDR) District pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: TM# 0087G-0C-004.00;
2. That the subject property is currently zoned INS District and proposed to be rezoned MDR District;
3. That the subject property has a Future Land Use designation of Urban, and a Community Type of Walkable Neighborhood; and
4. That the proposed MDR District is generally consistent with the surrounding area which is comprised of MDR and GB Districts.

---

**ATTACHMENTS:**

1. Rezoning Application
2. Recorded Plat
3. SCDHEC Permit
4. Location Map/ Zoning Map

**STAFF CONTACT:**

Matthew Blaszyk, Planner  
[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net) | 803-416-9380





**Planning Department**

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721  
Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)  
[www.mylanastercsc.org](http://www.mylanastercsc.org)

**ZONING MAP AMENDMENT APPLICATION**

**SUBMITTAL REQUIREMENTS**

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

**GENERAL INFORMATION**

Property Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Tax Parcel ID \_\_\_\_\_

Current Zoning \_\_\_\_\_ Current Use \_\_\_\_\_

Proposed Zoning \_\_\_\_\_ Total Acres \_\_\_\_\_

Project Description \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Surrounding Property Description \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION**

Applicant Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

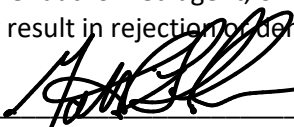
Property Owner Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

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

  
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

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

#### LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

#### SCHEDULE/PROCESS 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
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- Rezoning Application Fee – single parcel \$435.00
- Rezoning Application Fee – multi parcel \$610.00

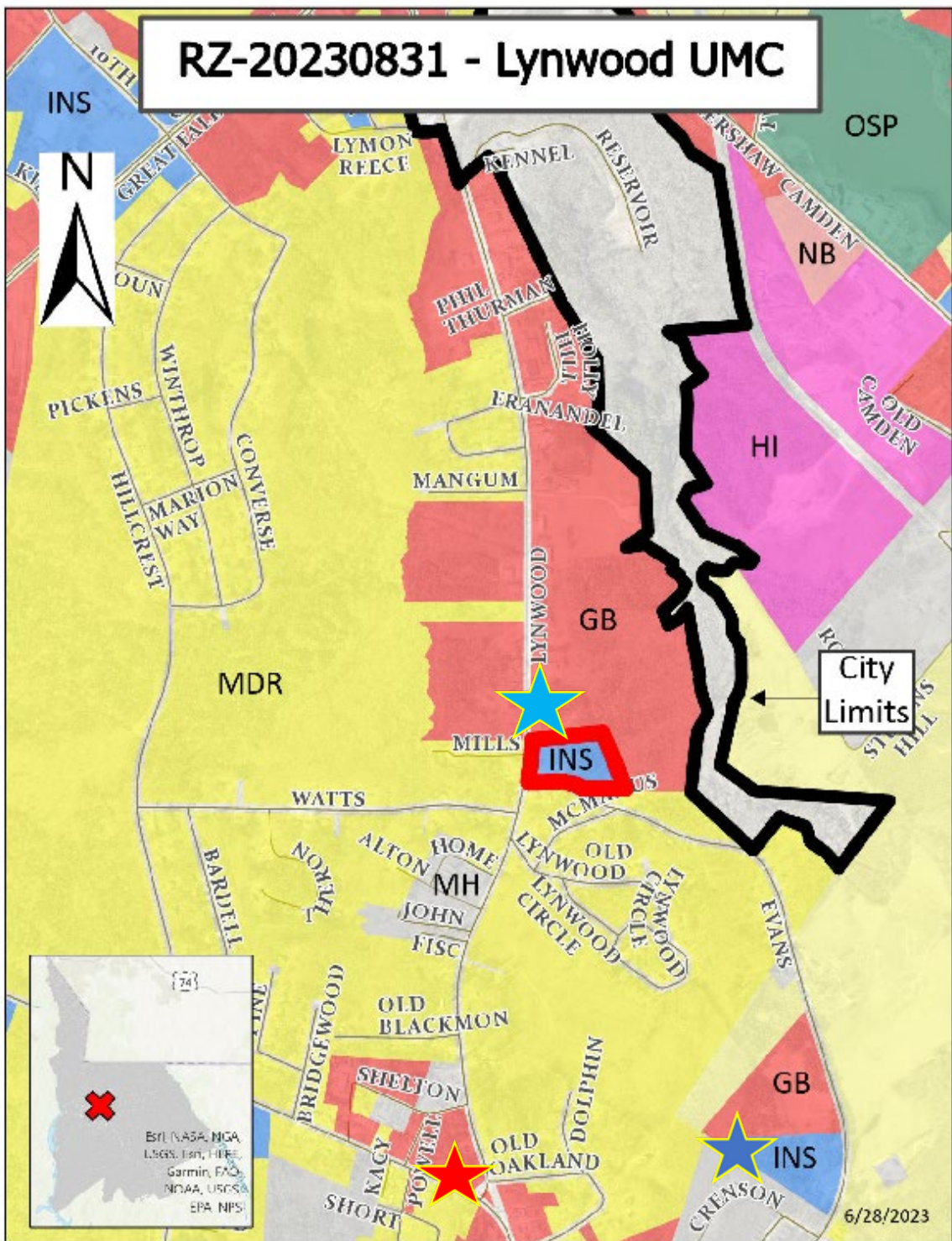
#### 2. Planning Commission

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

#### 3. County Council

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

# RZ-20230831 - Lynwood UMC



**Lancaster**  
County  
South Carolina

## Proposal:

Rezoning INS to MDR



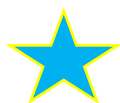
Subject Property



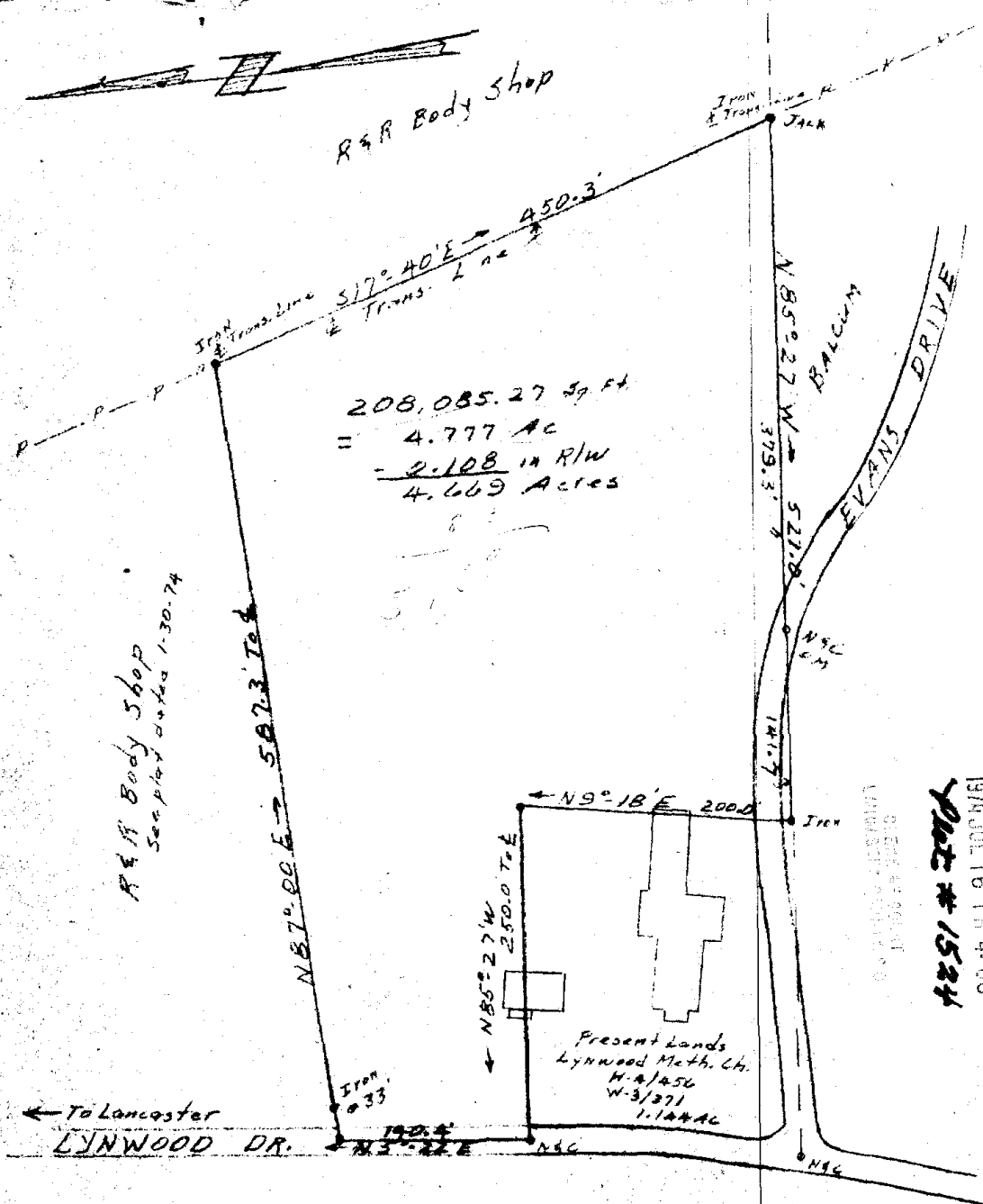
Beacon Baptist Church



Y & J Express Gas Station



Martin's Machine Co. Inc.



STATE OF SOUTH CAROLINA  
 COUNTY OF LANCASTER  
 PROPERTY TO BE CONVEYED TO  
LYNWOOD METHODIST CHURCH

Located south of Lancaster, near intersection of Lynwood Drive and Evans Drive. Being a portion of the lands shown on plat of R & R Body Shop, by Jack Smith, dated 1-30-74.

Scale: 1" = 100'

13 June 1974

*Jack Smith*  
 Jack Smith, RLS  
 100 Forest Drive  
 Lancaster, S. C.



# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission and County Council will conduct public hearings on Tuesday, July 18, 2023, and Monday, August 14, 2023, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. UDO-TA-2023-0972: Chapter Two, Sec 2.4 District Standards (MDR): Application by Planning Department on behalf of County Council to amend standards for MDR district, regarding lot size, front setbacks, usable open space, block length, and density calculation.
2. UDO-TA-2023-0973: Chapter 4, Sec. 4.4 1 Cluster Subdivision Overlay Standards: Application by Planning Department on behalf of County Council to amend standards for Cluster Subdivision Overlay District, regarding lot size, front setbacks, usable open space, block length, CSOD lot size mix, and density calculation.
3. UDO-TA-2023-0975: Chapter 6, Sec. 5 County Street Classification & Design: Application by Planning Department on behalf of County Council to amend Section 6.5 County Street Classification & Design.
4. RZ-2023-0739: Application by Barby Barchu to rezone .30 acres at 165 Brooklyn Avenue, Lancaster (TM# 0081H-0C-013.00) from Medium Density Residential (MDR) to Neighborhood Business (NB) District, in order to re-establish the existing vacant business use.
5. RZ-2023-0831: Application by Ronald Woods and Rev. Matthew Alexander on behalf of Grace- Lynwood United Methodist Church to rezone 5.819 acres at 1743 Lynwood Drive (TM# 0087G-0C-004.00) from Institutional (INS) to Medium Density Residential (MDR) District, in order to market the property for residential use.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department located at 101 North Main Street, Lancaster, South Carolina. Persons requiring special arrangements due to handicap please call (803) 285-6005 at least 24 hours in advance.

Public comments may be made in person at the hearing or submitted in written format to be provided to the Planning Commission or to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website (<https://www.mylancaster.org/>), email to [SSimpson@lancaster.org](mailto:SSimpson@lancaster.org), or by mail addressed to Clerk to Council at 101 N. Main Street, Lancaster, SC 29720 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on July 1st 2023.

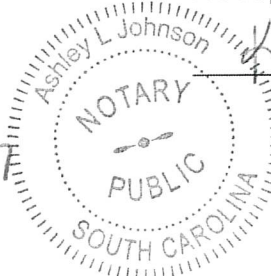
SWORN to before me this 3rd day of July, 2023

Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature



Christi Ross



# CAROLINA GATEWAY

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-339-6862

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published in the Carolina  
a, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

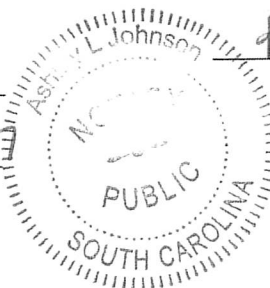
Newspaper Rep Signature

July 2023  
Ashley L. Johnson

Koushi Rao

Notary Public for South Carolina

My Commission Expires: 01/20/2025



# CAROLINA GATEWAY

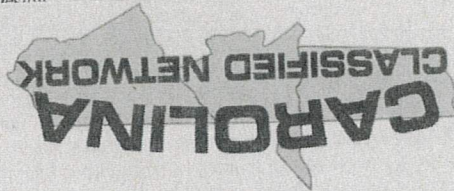
980 N Woodland Drive  
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Serving  
The Lancaster News  
Carolina Gateway  
The News & Reporter  
The Progressive Journal



classifieds@thelancasternews.com

I hereby certify that on the above notice published in the Carolina Gateway in Lancaster County, South Carolina, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

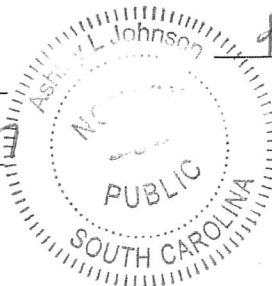
July, 2023  
Osley Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2025

Newspaper Rep Signature

Koushi Rero



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1864 / Planning Case Number: UDO-TA-2023-0975

Contact Person / Sponsor: A. Hardin / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Approve the text amendment for Sec. 6.5 County Street Classification & Design: Application by Planning Department on behalf of County Council to amend Section 6.5 County Street Classification & Design.

**Points to Consider:**

Please see staff report for points to consider.

**Funding and Liability Factors:**

N/A

**Recommendation:**

Approve the text amendment Ordinance.

**ATTACHMENTS:**

| Description                                                                                       | Upload Date | Type                   |
|---------------------------------------------------------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1864                                                                               | 8/10/2023   | Ordinance              |
| Staff Report                                                                                      | 8/9/2023    | Planning Staff Report  |
| Application                                                                                       | 7/12/2023   | Exhibit                |
| Letter from Brown Family                                                                          | 7/11/2023   | Letter                 |
| Public Hearing Notice for Ordinance 2023-1864 (Planning Department Case Number: UDO-TA-2023-0975) | 7/25/2023   | Public Hearing Notices |

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1864

COUNTY OF LANCASTER

)

)

### AN ORDINANCE

**TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) SECTIONS 4.4.1 (CLUSTER SUBDIVISION OVERLAY DISTRICT), 6.14 (ROAD CONSTRUCTION STANDARDS), AND 10.4 (DEFINITIONS), ALL PERTAINING TO STREET DEFINITION AND DESIGN, ON THE EFFECTIVE DATE OF THIS ORDINANCE**

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

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

The Council of Lancaster County (“Council”) finds and determines that:

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase, and families need to divide their land, at times requiring an amendment to technical requirements for roads.
- (c) The current Lancaster County UDO requires that all major subdivisions of land, regardless of location, have paved roads to access new lots. This impacts families in rural areas where traffic counts are low and roads are not often traveled.
- (d) The current Lancaster County UDO also has conflicting information regarding alley construction and use, and is void of definitions for the types of roads used in other sections of the code to describe permitted uses.
- (e) The proposed text amendment would provide an alternative to paving new roads to properties in agricultural and rural areas, would define “local,” “collector,” and “arterial” roads in the context of urban and rural areas, and would unify the design standards for alleys.
- (f) The text amendment is consistent with the goals of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (g) Lancaster County Planning Commission considered the proposed text amendment at its meeting on July 18, 2023 and by a 5-0 vote recommended approval.

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

Ordinance 2016-1442 (Unified Development Ordinance), is amended as set forth in the “Interim Ordinance - Exhibit 1” attached hereto and incorporated herein by reference.



**Section 3.      Severability.**

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

**Section 4.      Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, 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 \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:            August 14, 2023  
Public Hearing:           August 14, 2023  
Second Reading:        August 28, 2023  
Third Reading:          September 11, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney



## PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~striketrough~~

Language proposed for addition is highlighted and underlined

### 4.4.1.I.5.a.

| Road Type                                                                | Right-of-Way (feet) | Pavement (feet) |
|--------------------------------------------------------------------------|---------------------|-----------------|
| Local (closed drainage)                                                  | 50                  | 22              |
| Local (open drainage) <del>– follow guidance for collector (rural)</del> | 66                  | 22 <u>24</u>    |
| Collector <del>– follow guidance for collector (rural)</del>             | 66                  | 24              |

## 6.14 ROAD CONSTRUCTION STANDARDS

### 6.14.1 ROAD DESIGN (GEOMETRIC CRITERIA)

In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads that will be maintained by the County shall be designed in accordance with the following standards.

A. Minimum right-of-way and pavement width shall be as follows:

| ROAD TYPE                   | RIGHT-OF-WAY (FEET) | PAVEMENT (FEET) |
|-----------------------------|---------------------|-----------------|
| <u>Alley</u>                | <u>15</u>           | <u>12</u>       |
| Local (Urban)               | 50                  | 22              |
| Local (Rural)               | 60                  | 22*             |
| Collector (Urban)           | 60                  | 24              |
| Collector (Rural)           | 66                  | 24              |
| Commercial/Arterial (Urban) | 60                  | 26              |
| Commercial/Arterial (Rural) | 66                  | 26              |

Additional right-of-way or pavement width will be provided as determined necessary by County Council for high density residential or nonresidential subdivisions or portions thereof.

\* Local (rural) private roads in the AR and RR zones may replace pavement with an all-weather gravel surface that meets the fire code standards. This exception must be approved by the fire marshal prior to subdivision final plat approval.

B. Cul-de-sacs shall not exceed 500 feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with 90 feet minimum diameter to pavement edge and 100 feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited. In no case shall a cul-de-sac serve more than 20

residential lots.

C. Design speed, sight distance, and centerline radius shall be as follows:

|                                          | Alley                           | Local  | Collector | Commercial/Arterial |
|------------------------------------------|---------------------------------|--------|-----------|---------------------|
| Design Speed                             | 10 mph                          | 25 mph | 25 mph    | 35 mph              |
| Minimum sight distance on vertical curve | n/a (not allowed to be curved)  | 150 ft | 200 ft    | 225 ft              |
| Minimum centerline radius                | n/a (not allowed to cul-de-sac) | 150 ft | 200 ft    | 250 ft              |

#### 10.4 DEFINITIONS, GENERALLY

**ALLEY** Alleys are intended to provide indirect, limited access to the rear of properties but not to accommodate through traffic. Utilities, either above ground or underground, may be located in alleyways to provide service connections to rear elevations. Alleys are limited to one lane of traffic, and should be one way only unless there is not a connecting roadway to complete the network. Alley design should be straight (180 degrees) and may not curve. Alleys may not end in cul-de-sacs and must connect to another road in the network (usually a local road). On-street parking is strictly prohibited on alleys.

##### **LOCAL (URBAN) ROAD**

Roads that primarily serve as access to residences, businesses and other properties. They distribute traffic to higher functional classification streets in the network. These roads should have the lowest traffic counts in the urban network, which includes the transitional and neighborhood zones as shown in Section 2.5.3. Informal on-street parking is not allowed on local (urban) streets with less than 30 feet of pavement width. On-street parking is allowed with an approved parking plan that includes parking stalls designed to work with the street.

##### **LOCAL (RURAL) ROAD**

Local roads and streets primarily serve as access roads to farms, residences, businesses and other properties. They distribute traffic to highways in the higher functional classification network. These roads should have the lowest traffic counts in the county-wide network, and are found in rural zones as shown in Section 2.5.3.

##### **COLLECTOR (URBAN) ROAD**

Collector routes are characterized by a roughly even distribution of their access and mobility functions. Traffic volumes and speeds will typically be somewhat lower than those of arterials. Access to properties is normally allowed on collector roads unless a traffic impact analysis (TIA) performed in the area indicates a shared access is safer. Collector streets (urban) serve as

intermediate links between the arterial system and points of origin and destination, providing access and traffic circulation within residential neighborhoods and commercial/industrial areas.

Collector (urban) roads are found in the transitional, special, and neighborhood zones as shown in Section 2.5.3. In fully developed areas, spacing generally is approximately ½ mile between routes. On-street parking is not allowed on collector (urban) roads.

#### **COLLECTOR (RURAL) ROAD**

Collector routes are characterized by a roughly even distribution of their access and mobility functions. Traffic volumes and speeds will typically be somewhat lower than those of arterials. Access to properties is normally allowed on collector roads.

The function of rural collector roads is to serve travel needs within the county and collect traffic flow from the rural local roads to the rural arterials and to distribute traffic flow from arterials back to the local roads. These collectors are found in the rural network, which includes rural zones as shown in Section 2.5.3. On-street parking is not allowed on collector (rural) roads

#### **COMMERCIAL/ARTERIAL (URBAN) ROAD**

Commercial/arterial (urban) roads are characterized by their ability to quickly move relatively large volumes of traffic, but are often impacted by access to abutting properties. They have the highest travel speeds and the longest trip movements. Development along arterials should encourage shared driveways and/or frontage roads in order to manage highway access points.

Commercial/arterials may take the form of multilane facilities (divided or not), two-lane rural highways, four lane urban street, or major two-lane urban street. At no time will an arterial consist only of gravel and/or dirt for a road surface; all arterials will be paved.

Commercial/arterial (urban) roads are found in the transitional, special, and neighborhood zones as shown in Section 2.5.3.

#### **COMMERCIAL/ARTERIAL (RURAL) ROAD**

Commercial/arterial (rural) roads are characterized by their ability to quickly move volumes of traffic, but are often impacted by access to abutting properties and slow-moving machinery using the road as transportation between fields. They have the highest travel speeds and the longest trip movements, and provide a mix of intrastate/interstate and intercounty travel service.

Commercial/arterial (rural) roads provide service to, through, and/or around urban areas from rural areas, may provide for significant suburban travel demands, and may warrant management of access to the highway. Commercial/arterial (rural) roads are found in rural zones as shown in Section 2.5.3 and generally do not penetrate neighborhoods.

---

|                               |                                                                   |
|-------------------------------|-------------------------------------------------------------------|
| <b>PROPOSAL:</b>              | Amend Unified Development Ordinance Standards for Road Hierarchy. |
| <b>APPLICABLE CHAPTER(S):</b> | 6.14 (Road Construction Standards), 10.4, 4.4.1                   |
| <b>APPLICANT:</b>             | Lancaster County Council                                          |

---

**STATED CONCERN:** Appeal from the public to amend regulations relating to subdividing heirs' property in rural areas.

**ADDITIONAL CONCERN:** The UDO does not have consistent terminology or standards for road types.

**BACKGROUND:**

Earlier in 2023, the County received requests from two separate families who were interested in subdividing their rural properties for distribution among family members. Both were impacted by sections of the code that related to maximum street length and number of lots accessing off of a dead-end road. .

In April 2023, the County Council passed an ordinance (after recommendation from the Planning Commission) that amended Section 6.4.1 – Connectivity, essentially grandfathering in streets that were built at the time the current UDO was adopted in 2016 from meeting current block length, block width, through-block connections, and cul-de-sac design standards. This permitted one family to move forward, but the other remains impacted by regulations that result in additional cost to subdivide; namely, road construction.

Current UDO guidance in Section 6.14 includes required width for three types of rights-of-way: local, collector, and commercial/arterial roads. Road projects in the County have previously been classified as one of these three. Each requires a certain width of pavement.

Two potential changes have been discussed in development meetings:

1. For family subdivisions in rural areas where traffic is not a concern, ***is it possible to reduce the street design requirement from pavement to an all-weather surface***, like gravel?
2. There is a conflict regarding “alley” design between the limited choices of road type and other sections of code (specifically Chapter 3 and Detail R8 in Appendix C). Alleys are typically one-way, one-lane roads but are not accommodated in the geometric criteria of 6.14.1, which can lead to review as two-lane paved areas with 50-foot rights-of-way. ***The road type list should include “alley” roads with dimensions that match Detail R8 of Appendix C*** (12 - 15' paved road and 1.5' gutter on each side, for a minimum of 15' ROW).

## SUPPORTING DATA

**HEALTHY NEIGHBORHOOD STREET DESIGN STANDARDS** (Source: *Street Design Guidelines for Healthy Neighborhoods* by Dan Burden, Michael Wallwork PE, Ken Sides PE, Ramon Trias, and Harrison Rue):

| Street Type | Max Width | Max Design Speed | Max Corner Radius | Max Centerline Radius | Curb   | Median | Max Street Length | Vehicle Volume | Walk Way | Bike Lanes | Trees | 2-Way Traffic | Parking |
|-------------|-----------|------------------|-------------------|-----------------------|--------|--------|-------------------|----------------|----------|------------|-------|---------------|---------|
| Trail       | 8-14'     | 20 mph           | n/a               | 95'                   | no     | n/a    | n/a               | na             | n/a      | n/a        | yes   | yes           | no      |
| Alley       | 10-12'    | 10 mph           | 15'               | 50'                   | no     | n/a    | 400'              | 200            | no       | no         | no    | yes           | no      |
| Lane        | 16-18'    | 20 mph           | 15'               | 90'                   | option | no     | 600'              | 200            | both     | no         | yes   | option        | 1 side  |
| Street      | 26'       | 20 mph           | 15'               | 90-120'               | option | no     | 1,320'            | 600            | both     | no         | yes   | yes           | 2 sides |
| Avenue      | varies    | 30 mph           | 15-25'            | 250'                  | yes    | option | n/a               | 3-20K          | both     | yes        | yes   | yes           | option  |
| Main Street | varies    | 15-25 mph        | 15-25'            | 600'                  | yes    | option | 2,600'            | 3-10K          | both     | option     | yes   | yes           | option  |
| Boulevard   | varies    | 30-35 mph        | 25'               | 500'                  | yes    | yes    | n/a               | 20-40K         | both     | yes        | yes   | yes           | option  |
| Parkway     | varies    | 45+ mph          | 25'               | 1,000' +              | no     | yes    | n/a               | 20-60K         | no       | trails     | yes   | yes           | no      |

## SCDOT Definitions

**Local Roads and Streets:** Local roads and streets primarily serve as access roads to farms, residences, businesses and other properties. They distribute traffic to highways in the higher functional classification network.

**Rural:** A major part of the rural highway system consists of two-lane local roads. These roadways should be designed to accommodate the highest practical criteria compatible with traffic and topography.

**Urban:** A local urban street is a public roadway for vehicular travel including public transit and refers to and includes the entire area within the right of way. The street also serves pedestrian and bicycle traffic and usually accommodates public utility facilities within the right of way. The development or improvement of these streets should be based on a functional street classification that is part of a comprehensive community development plan. The design criteria should be appropriate for the planned development. The two major design controls are (1) the type and extent of urban development with its limitations on right of way, and (2) zoning or regulatory restrictions. Local streets primarily serve to provide access to adjacent residential development areas. The overriding consideration is to foster a safe and pleasant environment whereas the convenience of the motorist is secondary. Other local streets not only provide access to adjacent



development, but also serve limited through traffic. Traffic service features may be an important concern on these streets (e.g., traffic signals, left-turn lanes).

Collector roads: Collector routes are characterized by a roughly even distribution of their access and mobility functions. Traffic volumes and speeds will typically be somewhat lower than those of arterials. Access to properties is normally allowed on collector roads.

The function of rural collector roads is to serve intracounty travel needs and collect traffic flow from the rural local roads to the rural arterials and to distribute traffic flow from arterials back to the local roads.

In rural areas, the collectors provide the following functions:

- provide access to adjacent land uses;
- carry traffic into areas with sparse development;
- serve larger towns and significant traffic generators (e.g., shipping ports, mining areas) that are not served by an arterial or freeway;
- spaced at intervals consistent with the traffic population density to accumulate traffic from local roads;
- provide service to smaller communities; and
- link locally important traffic generators with higher classified routes.

In urban areas, collector streets serve as intermediate links between the arterial system and points of origin and destination. Urban collectors typically have the following characteristics:

- provide both access and traffic circulation within residential neighborhoods and commercial/industrial areas;
- may penetrate residential neighborhoods or commercial/industrial areas to collect and distribute trips to and from the arterial system;
- in fully developed areas, spacing generally is approximately ½ mile between routes and, within the Central Business District, between 650 feet and ½ mile;
- may be an urban extension of rural collector roads; and
- often include local bus routes.

Arterials: Arterial highways are generally characterized by their ability to quickly move relatively large volumes of traffic, but is often impacted by access to abutting properties. The arterial system typically provides for high travel speeds and the longest trip movements. The rural and urban arterial systems are connected to provide continuous through movements at approximately the same level of service.

The freeway is the highest level of an arterial. These facilities are characterized by full control of access, high design speeds and a high level of driver comfort and safety. For these reasons, freeways are considered a special type of highway within the functional classification system, and separate design criteria.

Arterials have the following general characteristics:

- consist of a connected network of continuous routes;
- in rural areas, provide a mix of interstate and intercounty travel service;
- provide service to, through or around urban areas from rural arterial routes and may be connecting links;
- provide for significant urban and suburban travel demands (e.g., between central business districts (CBD) and outlying residential areas, between major inner city communities, between major suburban centers);
- serve long distance traffic within an urban area by connecting major regional activity centers not served by connecting links or may provide service for trips of moderate length;
- may be a multilane undivided facility, divided facility, two-lane rural highway, major two-way city street or a one-way pair system;
- typically warrant management of access to the highway;
- may be included in the National Highway System (NHS); and may carry local bus routes and provide intra-community continuity, but generally will not penetrate neighborhoods.

---

#### **SAMPLE CLASSIFICATION SYSTEM (Source: *City of Myrtle Beach*)**

##### **Road Classification System**

A street network performs most efficiently and safely from both a traffic operation and a road safety perspective if roads are designated and operated to serve their intended purposes. A road classification system designates streets into different groups or classes according to the type of service each group is intended to provide. This is a fundamental tool for urban development and road management. Grouping roads with similar functions can improve transportation planning, road infrastructure design and maintenance, and traffic and road operations.

But while road classification can help meet the needs of communities for transportation services, just as importantly, it can help protect against the adverse impacts of motorized traffic in residential areas. Some roads should carry higher volumes of traffic at higher speeds, while others (the majority) carry lower volume at lower speeds. This allows residential neighborhoods to exist between main traffic corridors. The absence of a hierarchy of roads would result in less efficient routes for traffic with associated increases in the time and cost of transporting people (whether by foot, bike, bus or car) and goods. The quality of urban life would also decline as motorized traffic would increasingly infiltrate into residential neighborhoods to avoid mounting congestion - *Appendix K: City of Myrtle Beach Roadway Classification Systems Map 2009*.

The following is a glossary of terms used in the roadway classifications system for the city of Myrtle Beach.

- *Minor Street* is a two-lane, residential or commercial, street controlled by stop signs at two-way-stop controlled intersection.
  - *Major Street* is a two-lane, residential or commercial, street not controlled by stop signs at a two-way stop-controlled intersection providing connection to minor and major collectors and minor arterials.
  - *Major Commercial* is a two or four-lane commercial street not controlled by stop signs but signalized intersections.
  - *Minor Commercial* is a two-lane commercial street controlled by stop signs at intersections.
  - *Minor Collector* is a two-lane street providing lane access and traffic circulation within residential, commercial, and industrial areas and connection between major collectors and minor arterials with low density of driveways.
  - *Major Collector* is a four-lane street providing lane access and traffic circulation within residential, commercial, and industrial areas and connection between minor arterials with relatively high density of driveways.
  - *Minor Arterial* is a functional category of street allowing trips of moderate length within a relatively small geographical area; signalized street that primarily serves through-traffic and secondarily provide access to abutting properties with signal spacing of two miles or less.
  - *Principle Arterial* is a major surface street with relatively long trips between major points, and with through trips entering, leaving and passing through the urban area.
- 

#### STAFF RECOMMENDATIONS:

Staff recommends amended Sections 4.4.1.I.5.a, 6.14.1.A through C, and Section 10.4 as follows.

- **Allow local rural roads to be an all-weather surface compacted properly and to the standards in the fire code that would allow fire apparatus access, in exchange for requiring paved roads. Limit this application to AR (Agricultural Residential) and RR (Rural Residential) zoning, rather than all rural land uses, for the following reasons:**
  - RN (Rural Neighborhood) zoning is targeted toward neighborhood development at rural lot scale (one dwelling unit per acre), with higher traffic counts than

- general agricultural or rural uses; gravel roads are not appropriate for neighborhood development.
- RUB (Rural Business) zoning allows for business operations. Businesses pull in more traffic than residential uses, and gravel roads are not appropriate for higher traffic uses.
- MH (Manufactured Home) zoning accommodates manufactured home subdivisions and parks; these have higher traffic counts than general agricultural or rural uses. Gravel roads are not appropriate for neighborhood development.
- **Amend the definition of “Alley” in the UDO to indicate the road is intended to be one-way and limited to 15 ft maximum width.**
  - **Add notation on the exhibits in Appendix C.**
- **Add definitions of “local,” “collector,” and “arterial” roads to the general definitions section.**
- **Add to the list of updates to the UDO that are in process (for future action):**
  - Clean up the conflicts between Road Design and Cluster development.
  - Create a full road hierarchy table, including min/max width, curb requirements, tree well depth and planting, sidewalk min width, etc.
  - Further refine the definitions of the main street classifications created by this ordinance, as needed.

**STAFF CONTACT:**

Allison Hardin, Development Services Director  
[ahardin@lanastercountysc.net](mailto:ahardin@lanastercountysc.net)

## PROPOSED TEXT AMENDMENTS

Language proposed for deletion is ~~striketrough~~

Language proposed for addition is highlighted and underlined

### 4.4.1.1.5.a.

| Road Type                                                                                    | Right-of-Way (feet) | Pavement (feet) |
|----------------------------------------------------------------------------------------------|---------------------|-----------------|
| Local (closed drainage)                                                                      | 50                  | 22              |
| Local (open drainage) <del>=</del><br><u>follow guidance for</u><br><u>collector (rural)</u> | 66                  | 22 <u>24</u>    |
| Collector <del>= follow guidance</del><br><u>for collector (rural)</u>                       | 66                  | 24              |

## 10.4 DEFINITIONS, GENERALLY

**ALLEY** Alleys are intended to provide indirect, limited access to the rear of properties but not to accommodate through traffic. Utilities, either above ground or underground, may be located in alleyways to provide service connections to rear elevations. Alleys are limited to one lane of traffic, and should be one way only unless there is not a connecting roadway to complete the network. Alley design should be straight (180 degrees) and may not curve. Alleys may not end in cul-de-sacs and must connect to another road in the network (usually a local road). On-street parking is strictly prohibited on alleys.

### **LOCAL (URBAN) ROAD**

Roads that primarily serve as access to residences, businesses and other properties. They distribute traffic to higher functional classification streets in the network. These roads should have the lowest traffic counts in the urban network, which includes the transitional and neighborhood zones as shown in Section 2.5.3. Informal on-street parking is not allowed on local (urban) streets with less than 30 feet of pavement width. On-street parking is allowed with an approved parking plan that includes parking stalls designed to work with the street.

### **LOCAL (RURAL) ROAD**

Local roads and streets primarily serve as access roads to farms, residences, businesses and other properties. They distribute traffic to highways in the higher functional classification network. These roads should have the lowest traffic counts in the county-wide network, and are found in rural zones as shown in Section 2.5.3.



#### **COLLECTOR (URBAN) ROAD**

Collector routes are characterized by a roughly even distribution of their access and mobility functions. Traffic volumes and speeds will typically be somewhat lower than those of arterials. Access to properties is normally allowed on collector roads unless a traffic impact analysis (TIA) performed in the area indicates a shared access is safer. Collector streets (urban) serve as intermediate links between the arterial system and points of origin and destination, providing access and traffic circulation within residential neighborhoods and commercial/industrial areas.

Collector (urban) roads are found in the transitional, special, and neighborhood zones as shown in Section 2.5.3. In fully developed areas, spacing generally is approximately ½ mile between routes. On-street parking is not allowed on collector (urban) roads.

#### **COLLECTOR (RURAL) ROAD**

Collector routes are characterized by a roughly even distribution of their access and mobility functions. Traffic volumes and speeds will typically be somewhat lower than those of arterials. Access to properties is normally allowed on collector roads.

The function of rural collector roads is to serve travel needs within the county and collect traffic flow from the rural local roads to the rural arterials and to distribute traffic flow from arterials back to the local roads. These collectors are found in the rural network, which includes rural zones as shown in Section 2.5.3. On-street parking is not allowed on collector (rural) roads

#### **COMMERCIAL/ARTERIAL (URBAN) ROAD**

Commercial/arterial (urban) roads are characterized by their ability to quickly move relatively large volumes of traffic, but are often impacted by access to abutting properties. They have the highest travel speeds and the longest trip movements. Development along arterials should encourage shared driveways and/or frontage roads in order to manage highway access points.

Commercial/arterials may take the form of multilane facilities (divided or not), two-lane rural highways, four lane urban street, or major two-lane urban street. At no time will an arterial consist only of gravel and/or dirt for a road surface; all arterials will be paved.

Commercial/arterial (urban) roads are found in the transitional, special, and neighborhood zones as shown in Section 2.5.3.

#### **COMMERCIAL/ARTERIAL (RURAL) ROAD**

Commercial/arterial (rural) roads are characterized by their ability to quickly move volumes of traffic, but are often impacted by access to abutting properties and slow-moving machinery using the road as transportation between fields. They have the highest travel speeds and the longest trip movements, and provide a mix of intrastate/interstate and intercounty travel service.

Commercial/arterial (rural) roads provide service to, through, and/or around urban areas from rural areas, may provide for significant suburban travel demands, and may warrant management of access to the highway. Commercial/arterial (rural) roads are found in rural zones as shown in Section 2.5.3 and generally do not penetrate neighborhoods.

## 6.14 ROAD CONSTRUCTION STANDARDS

### 6.14.1 ROAD DESIGN (GEOMETRIC CRITERIA)

In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads that will be maintained by the County shall be designed in accordance with the following standards.

A. Minimum right-of-way and pavement width shall be as follows:

| ROAD TYPE                   | RIGHT-OF-WAY (FEET) | PAVEMENT (FEET) |
|-----------------------------|---------------------|-----------------|
| Alley                       | 15                  | 12              |
| Local (Urban)               | 50                  | 22              |
| Local (Rural)               | 60                  | 22*             |
| Collector (Urban)           | 60                  | 24              |
| Collector (Rural)           | 66                  | 24              |
| Commercial/Arterial (Urban) | 60                  | 26              |
| Commercial/Arterial (Rural) | 66                  | 26              |

Additional right-of-way or pavement width will be provided as determined necessary by County Council for high density residential or nonresidential subdivisions or portions thereof.

\* Local (rural) private roads in the AR and RR zones may replace pavement with an all-weather gravel surface that meets the fire code standards. This exception must be approved by the fire marshal prior to subdivision final plat approval.

B. Cul-de-sacs shall not exceed 500 feet in length, except where unusual topographic or other physical conditions dictate otherwise, and shall have a turnaround with 90 feet minimum diameter to pavement edge and 100 feet minimum diameter to right-of-way line. Dead end streets without turnarounds are prohibited. In no case shall a cul-de-sac serve more than 20 residential lots.

C. Design speed, sight distance, and centerline radius shall be as follows:

|                                          | Alley                           | Local  | Collector | Commercial/Arterial |
|------------------------------------------|---------------------------------|--------|-----------|---------------------|
| Design Speed                             | 10 mph                          | 25 mph | 25 mph    | 35 mph              |
| Minimum sight distance on vertical curve | n/a (not allowed to be curved)  | 150 ft | 200 ft    | 225 ft              |
| Minimum centerline radius                | n/a (not allowed to cul-de-sac) | 150 ft | 200 ft    | 250 ft              |

**Add notation on the exhibits in Appendix C:** Alleys are limited to one lane of traffic, and should be one way only unless there is not a connecting roadway to complete the network. Alley design should be straight (180 degrees) and may not curve. Alleys may not end in cul-de-sacs and must connect to another road in the network (usually a local road). On-street parking is strictly prohibited on alleys.



**Planning Department**

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721  
Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)  
[www.mylanastersc.org](http://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 \_\_\_\_\_

Current Text \_\_\_\_\_

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Proposed Text \_\_\_\_\_

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Description of Need for Proposed Text \_\_\_\_\_

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☐ Additional pages attached for more information

**CONTACT INFORMATION**

Applicant Name \_\_\_\_\_

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.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

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

## LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

## SCHEDULE/PROCESS

### 1. Submit Application

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

### 2. Planning Commission

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

### 3. County Council

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



# WYATT BROWN ESTATE

3106 PASTURE LANE  
LANCASTER, SC 29720  
(301)775-2708 WYSCLE WASHINGTON  
WYSCLE@YAHOO.COM

---

July 11, 2023

Greetings County Council members,

On behalf of the descendants of Wyatt Brown Sr. we would like to submit for your consideration some of our concerns, questions, and potential solutions as they relate to pending legislation for rural communities that impact our property and its infrastructure – (in particular our roads). We are not developers, builders or contractors; nor do we have generational wealth in the form of stocks and bonds, but we do have possession of a land inheritance given to us by our grandfather, Wyatt, Sr. which gives us concern to write to you today. As a family, we are seeking a resolution that will provide us and other families living in privately owned rural communities, the liberty to maintain our roads with support from the County Council for sustainable alternative solutions.

We recognize the long process the council is undergoing to create a separate set of rules and guidelines that would govern rural privately owned roads as opposed to subdivisions like Indian Land that are governed by the 2016 SUBDIVISION AND INFRASTRUCTURE STANDARDS. As this effort continues with a decision planned to be announced at the next council meeting on July 18, 2023, specifying privately owned rural roads be made 20 feet wide and 12” of graveled surface, we as a family are making a formal request for the Planning Department to implement guidelines as follows:

1. Provide options for a waiver/variance to rural areas that fall well below the infrastructure of other more developed subdivisions which are governed by the 2016 SUBDIVISION AND INFRASTRUCTURE STANDARDS for privately owned roads.
  2. Provide privately owned inherited landholders the right to maintain the integrity of their raw property and roads without any interference from county officials.
-

### 3. Allowances under Statutory Exemptions in section B of 6 SUBDIVISION AND INFRASTRUCTURE STANDARDS DRAFT 10.24.16

These exceptions would assist in the upkeep and maintenance of all site infrastructure including but not limited to:

- Dirt Roads - treated and surfaced with sustainable products like Perma-Zyme/soil stabilizer
- Alternatives to Gravel Roads such as crushed stone #411, quarry process,
- Compliance with road Width/dimensions per Public Works
- Gravel Driveways with alternates such as pea gravel, jersey shore gravel, marble chips or river rock.
- Road Soil Conditions/ stormwater management and drainage systems

In rare cases we understand that if we build a new home it would become necessary to pave or gravel our private roads, install street lights, and sidewalks, etc., like Indian Land as required by the 2016 rules and guidelines that govern subdivisions. They have many houses consolidated in one location on a small or large piece of land. The Brown Estate is not like Indian Land, nor do we want or need the rules and guidelines that apply to this and other like communities. The 2016 rules and guidelines should apply to contractors, developers, and builders. As stated previously before the council, when the 2016 rules and guidelines were being considered, it appears no one thought of the little guys like us who live in rural moderately developed communities (farmland). We believe It's time to rethink and tailor these guidelines to match our conditions.

We would like to maintain our infrastructure with minimal requirements for gravel except where it's absolutely necessary for EMS and Fire safety vehicles to have access to homes. However, most of our property is not at that point and is under utilized. Family members who own property on the backside of our land do not visit often or currently plan to build. Therefore, it is highly unlikely roads in these areas would require gravel. Should our family desire in the future to promote growth and development on our privately owned land, then we would make sure all development is in compliance with local codes. Furthermore, requiring rural property owners to unnecessarily gravel and widen all roads and driveways would cause undue financial hardship to every rural property owner.

Lastly, we have a road that is registered as a private road/driveway. It leads to other family members' properties on the backside of our land. There is however one problem on our land that prevents access due to a washed out gully in the road. We agree with the laws established, stating that everyone should be able to access their property. In this case our family is in agreement that repairs are needed. The gully is very deep and could cause injury if attempting to walk across it. When this section of road is repaired it will allow all family members access to other areas of our land which are as beautiful as the stars in the sky. Of Course this will come at a cost. We would need to attain the financial support and manpower for repairs.

To widen and gravel this private road (which is more than 2 miles long) to meet the suggested standard of 22 feet wide with 12" of gravel top surface is insurmountable - not to mention the cost of maintaining it. What does private property mean to you? To us, it speaks of ownership (our legacy) and we would like to decide what happens with our property and the development thereof. We want it to retain its natural rural characteristics as we decide when it's the right time to upgrade our roads.

We thank you in advance for your consideration and attention to this matter. We look forward to your favorable response during the upcoming council meeting on July 18, 2023.

Respectfully submitted,

The Descendants of the late Wyatt Sr. and Francina Brown:

1. The late James H. Brown last will and testament to Framishile Brown
2. The late Eugene Brown last will and testament to Brown family
3. The descendants of the late Ella Cooper and Robert Crockett
4. The descendants of the late Willie Lincoln and Bernice Brown
5. The descendants of the late Elvenue and John C. Waiters
6. Mae Dean Brown and the late Wyatt Brown Jr. and their descendants
7. The descendants of the late Nannie Patricia B. Davis and Thomas Mackey
8. Wyscle (Clarence) Washington and the late Clement Johnson and their descendants
9. Ethel Brown and the late William Arthur Brown and their descendants
10. Frances Lloyd and Nannie Lue Brown and their descendants

Signed in Consent of the Descendants of the Wyatt Brown Estate

Signature: Wyscle Brown Washington Wyscle Brown Washington

Signature: Gwendolyn Brown Gwendolyn Brown

Signature: Andre' Johnson Clemon A. Johnson

# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## PUBLIC HEARING NOTICE

For the purpose of obtaining oral and written comments from the public regarding the following matters, the Lancaster County Planning Commission and County Council will conduct public hearings on Tuesday, July 18, 2023, and Monday, August 14, 2023, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. UDO-TA-2023-0972: Chapter Two, Sec 2.4 District Standards (MDR): Application by Planning Department on behalf of County Council to amend standards for MDR district, regarding lot size, front setbacks, usable open space, block length, and density calculation.
2. UDO-TA-2023-0973: Chapter 4, Sec. 4.4 1 Cluster Subdivision Overlay Standards: Application by Planning Department on behalf of County Council to amend standards for Cluster Subdivision Overlay District, regarding lot size, front setbacks, usable open space, block length, CSOD lot size mix, and density calculation.
3. UDO-TA-2023-0975: Chapter 6, Sec. 5 County Street Classification & Design: Application by Planning Department on behalf of County Council to amend Section 6.5 County Street Classification & Design.
4. RZ-2023-0739: Application by Barby Barchu to rezone .30 acres at 165 Brooklyn Avenue, Lancaster (TM# 0081H-0C-013.00) from Medium Density Residential (MDR) to Neighborhood Business (NB) District, in order to re-establish the existing vacant business use.
5. RZ-2023-0831: Application by Ronald Woods and Rev. Matthew Alexander on behalf of Grace- Lynwood United Methodist Church to rezone 5.819 acres at 1743 Lynwood Drive (TM# 0087G-0C-004.00) from Institutional (INS) to Medium Density Residential (MDR) District, in order to market the property for residential use.

Copies of the documents to be considered are available for public inspection in the office of the Lancaster County Planning Department located at 101 North Main Street, Lancaster, South Carolina. Persons requiring special arrangements due to handicap please call (803) 285-6005 at least 24 hours in advance.

Public comments may be made in person at the hearing or submitted in written format to be provided to the Planning Commission or to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website (<https://www.mylancaster.org/>), email to [SSimpson@lancaster.org](mailto:SSimpson@lancaster.org), or by mail addressed to Clerk to Council at 101 N. Main Street, Lancaster, SC 29720 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on July 1st 2023.

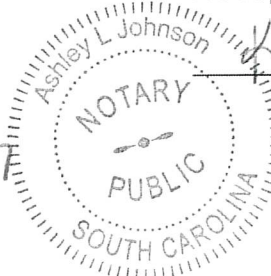
SWORN to before me this 3rd day of July, 2023

Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature



Christi Ross



# CAROLINA GATEWAY

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-339-6862

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published in the Carolina  
a, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

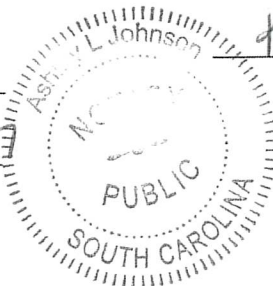
Newspaper Rep Signature

July 2023  
Ashley L. Johnson

Koushi Rana

Notary Public for South Carolina

My Commission Expires: 01/20/2025





# CAROLINA GATEWAY

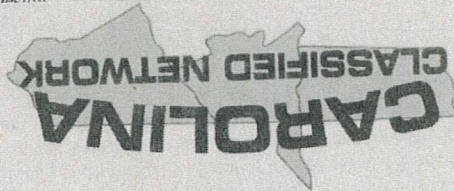
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The Progressive Journal



classifieds@thelancasternews.com

I hereby certify that on the above notice published in the Carolina Gateway in Lancaster County, South Carolina, in accordance with law

on July 5<sup>th</sup> 2023.

SWORN to before me this 5<sup>th</sup> day of

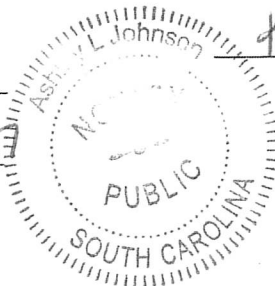
July, 2023  
Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2025

Newspaper Rep Signature

Koushi Rero



## Agenda Item Summary

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Ordinance # / Resolution #: Resolution 1243-R2023  
Contact Person / Sponsor: Dennis Marstall / Administration  
Department: Administration  
Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Council is being asked to approve the 2023 Strategic Plan.

**Points to Consider:**

Willdan has provided the finalized Strategic Plan representing their work with the community over the past six months. The Plan has been based on input received from interviews, citizen surveys, focus groups, Department Directors, and Council sessions.

This Plan includes the updated Mission, Vision and Core Values, plus the identification of five focus areas and accompanying objectives for each of the five areas, with timeframes and assigned responsibility.

The final version of the Strategic Plan will be available at the Council meeting.

**Funding and Liability Factors:**

The Strategic Plan was funded in the fiscal year 2022-2023 budget year.

**Recommendation:**

Approve the Strategic Plan via Resolution 1243-R2023.

**ATTACHMENTS:**

| Description                                         | Upload Date | Type       |
|-----------------------------------------------------|-------------|------------|
| Resolution 1243-R2023 -- Adoption of Strategic Plan | 8/9/2023    | Resolution |

**A RESOLUTION**

**TO ADOPT AND IMPLEMENT THE LANCASTER COUNTY, SOUTH CAROLINA  
STRATEGIC PLAN**

**Section 1. Findings and Determinations**

The County Council finds and determines that:

- (a) Strategic planning is a disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does and why it performs the service and/or programs it does; and
- (b) The County Council and staff have conducted strategic planning work sessions in calendar year 2023 as well as conducted citizen surveys and following these work sessions and citizen surveys, the County Council conducted a review of strategic plan issues as shown in the attached Lancaster County, South Carolina Strategic Plan; and
- (c) There are numerous benefits to strategic planning, including: organizations can increase effectiveness and efficient, improve understanding through better learning, make better decisions, enhance organizational capabilities, improve communications and public relations as well as increase political support; and
- (d) The County Council and staff have identified five (5) priority strategic themes of the Strategic Plan to enhance Lancaster County which are: Public Safety; Infrastructure; Quality Development; Resource Optimization; and High Performance; and
- (e) The County Council has reviewed the proposed Strategic Plan including the strategic goals and initiatives, including action plans and responsibilities, as outlined in the attached documents, at their July 17, 2023 regular meeting; and
- (f) It is the intention of County Council to adopt the Lancaster County, South Carolina Strategic Plan and to direct the Administration and staff to implement the Strategic Plan and to identify budget considerations associated with same for County Council consideration.

**Section 2. Adoption of the Lancaster County, South Carolina Strategic Plan**

The Lancaster County, South Carolina Strategic Plan is adopted by Lancaster County and the strategic goals and initiatives identified therein are to be a priority of Lancaster County. The Lancaster County, South Carolina Strategic Plan is attached hereto and incorporated by reference herein as Exhibit 1. The County Administrator and County Staff are further directed to proceed with implementation of the strategic goals and initiatives identified in the Lancaster County, South

Carolina Strategic Plan and are requested to identify and provide budget considerations related to same to County Council.

**Section 3.     Conflicting Provisions**

To the extent that this Resolution contains provisions that conflict with provisions contained elsewhere in adopted bylaws or procedures, the provisions contained in this Resolution supersede all other provisions and this Resolution is controlling.

**Section 4.     Effective Date.**

This Resolution is effective upon its adoption.

**THEREFORE, BE IT RESOLVED** by the Council of Lancaster County, South Carolina that the Lancaster County, South Carolina Strategic Plan is adopted as set forth herein.

**AND IT IS SO RESOLVED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

Attest:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

Approved as to form:

\_\_\_\_\_  
Virginia L. Merck-Dupont, County Attorney

## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1845  
Contact Person / Sponsor: Chris Clouden / Parks and Recreation  
Department: Administration  
Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Adopt an ordinance to provide for rules and regulations related to County parks and recreation areas and/or facilities in the county to provide for the security and general welfare of the citizens of Lancaster County.

**Points to Consider:**

**The ordinance has been edited to address changes discussed by County Council before the postponement of the first reading to reflect language from state statutes regarding firearm possession and disorderly conduct, plus it references the current County Code related to noise violations.**

Given the increased use of County parks and recreation areas and/or facilities, clarification of the rules and regulations related to the parks and recreation areas and/or facilities is needed to give the citizens as well as law enforcement and County staff a better understanding of what is not permissible on county property. This clarification will help the County to ensure that Lancaster County's parks stay safe, clean and enjoyable for everyone.

Situations have arisen over the years, primarily at parks and recreation areas and/or facilities, which staff and law enforcement have struggled to address due to the lack of codified rules and regulations. Given the many sports and summertime activities in our parks and throughout the County's recreation program, this updated ordinance will clarify behavior that staff can address and the Sheriff's Office can enforce.

**Funding and Liability Factors:**

N/A

**Recommendation:**

Approve the Ordinance.

**ATTACHMENTS:**

| Description                                      | Upload Date | Type                   |
|--------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1845                              | 7/13/2023   | Ordinance              |
| Notice of Public Hearing for Ordinance 2023-1845 | 8/8/2023    | Public Hearing Notices |



**ORDINANCE NO. 2023-1845**

**TO AMEND THE LANCASTER COUNTY CODE RELATED TO RULES AND REGULATIONS  
FOR LANCASTER COUNTY PARKS AND RECREATION AREAS/FACILITIES.**

**WHEREAS**, Lancaster County intends to provide that violations of such rules and regulations shall be penalized as provided in SC Code Ann. §4-9-30(14); and

**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:

The Lancaster County Code of Ordinances is hereby amended to repeal Chapter 24, Article 1 – Parks and Recreation – In General

Lancaster County Code of Ordinances is hereby amended to add a new Chapter 24, Article 1 – Parks and Recreation – Rules and Regulations as follows:

The director of the county parks and recreation department (the "director"), with the approval of the county administrator, shall have the authority to implement necessary rules and regulations concerning the conduct, admission, and regulation of users of all county parks and recreation areas/facilities open to the general public which may not be addressed herein or which are specific to certain parks or areas/facilities and/or program which are not inconsistent with the provisions of this article. The director shall notify the county administrator in writing 30 days prior to the implementation of such rules and regulations.

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**Sec. 24-2. Hours of use; access.**

- (a) No person shall enter a public park and/or recreation facility or area without regard to restrictions on public use. These restrictions on public use shall include subsections (b)—(d) below, and a violation of such provisions shall be considered to be a violation of this subsection.
- (b) All public parks located within the county shall, except as otherwise set out, be closed from 10 pm to 6 am, each day, including Sunday. It shall be unlawful for any person to enter or remain in such public parks and/or recreation facility or areas during such closed hours; however, the hours when public parks and/or recreation facility or areas are closed shall not apply to persons using such public parks and public recreation facilities/areas for the purpose of putting in or removing boats, using the parks for fishing or for camping in designated camping areas within the parks. The park should be closed to all nongame spectators or the general public at 10 pm. All rentals are required to vacate the property by 11:00 pm or at the natural conclusion of the game in progress. No new games are allowed to start after 9:00 pm unless approved by the athletic department supervisor.
- (c) No person shall make, use, or gain admittance to, or attempt to use, or gain admittance to facilities within any park and/or recreation facility or area, for which a charge is made, without paying the fee.
- (d) No person shall remain within any park and/or recreation facility or area if he/she refuses to pay the required fee to enter and use the park and/or recreation facility or area or service in a posted, designated fee area.
- (e) Whenever a threat to public health or safety exists in any park and/or recreation facility or area resulting from any natural cause, explosion, accident or any other cause, or by riot or unlawful assembly or activity, the director of parks and recreation may close the park and/or recreation facility or area or any part thereof to the public for such duration as he deems necessary to ensure the safety and well-being of the public.

**Sec. 24-3. Prohibited acts.**

It shall be unlawful for any person to commit any of the following acts at any county park or recreation area/facility:

- (1) Destroying, defacing, disturbing, disfiguring, or removing any part of any building, sign, structure, or equipment.
- (2) Destroying, cutting, breaking, removing, defacing, mutilating, injuring, taking, or gathering any tree, shrub, other plant or plant part, rock, mineral, or geological feature except by permit issued by the parks and recreation department.
- (3) Killing, harming or harassing any mammal, bird, reptile or amphibian, except by permit issued by the department.
- (3) Hunting in any area.

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- (4) Building any fire in any place other than those specifically designated for such a purpose.
  - (5) Disposing of litter, garbage, or other refuse in places or receptacles other than those specifically provided for such purpose. Such unlawful disposing of litter, garbage, or refuse shall include:
    - a. Dumping any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.
    - b. Cleaning fish or food, or washing clothing or articles for household use in any sink or at any faucet located in restrooms.
    - c. Polluting or contaminating any water used for human consumption.
    - d. Using county park or recreation area/facility refuse containers or facilities for dumping household or commercial garbage or trash brought as such from private property.
    - e. Depositing, except into receptacles provided for that purpose, any body waste, or depositing any bottles, cans, clothes, rags, metal, wood, stone, or other damaging substance in any fixture in any restroom or other structure.
  - (6) Possessing any firearm (in contradiction to any provision of the Code of Laws of South Carolina pertaining to firearms), air gun, explosive, or firework, except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the director of the parks and recreation department for use of firearms, air guns, fireworks, or explosives.
  - (7) Operating vehicles in a careless manner, or in excess of posted speed limits, or in areas other than those specifically intended for vehicular traffic. A violation of any of the following provisions constitutes the unlawful operating of a vehicle:
    - a. Motorbikes, minibikes, mopeds, motor scooters, go-carts, and any other types of motorized vehicles shall not be driven in any area or on any trail not intended for their use. Only licensed and insured motorized vehicles shall be allowed on park or recreation area roads, unless specifically approved by the director of the parks, recreation and tourism department or the park superintendent.
    - b. No motorized vehicle of any kind shall be allowed on horse trails, hiking trails, or beach areas unless utilized for ADA mobility.
    - c. Motor vehicles shall not be driven on roads in developed recreation sites for any purpose other than access into or egress out of the site by persons lawfully using or occupying such areas.
  - (8) Using privately owned boats or gasoline motors on any waters lying within the jurisdiction of the county in a reckless or careless manner or in violation of any posted rules and regulations including, but not limited to, wake zones.
  - (9) By way of example and not limitation, the following are generally prohibited from taking off, landing, or operating on or within county parks and recreation areas: Airplanes, including ultralight aircraft; unmanned flying aircraft (drones,



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unmanned aircraft systems, remote controlled model aircraft, and the like); balloons; parachutes; or other apparatus for aviation. In some limited circumstances, certain of these machines may be operated within designated areas of county parks and recreation areas/facilities after the operator obtains a special activity permit.

- (10) No person using or occupying public park and recreation areas/facilities shall possess or consume any alcoholic beverage, of any type. The county administrator may, upon notification of such request by the director of the county parks and recreation, however, allow a county park or recreation area to be used for a private social function at which alcoholic beverages may be legally consumed at such place, time, and circumstances as allowed by the county administrator.
- (11) Acting in a disorderly manner or creating any noise which would result in annoyance to others. Acting in a disorderly manner shall include inciting or participating in riots, or indulging in boisterous, abusive, threatening, indecent, or disorderly conduct or other breaches of the peace. In addition to other authorized penalty provisions, anyone in violation of this subsection may be ejected from the park or recreation area and shall not be entitled to a refund of any fee or rental.
- (12) Entering or remaining within the limits of the park or recreation area while in an intoxicated or drug-impaired condition.
- (13) Making or continuing or causing any excessive noise in violation of Section 23-21 et seq. of the Lancaster County Code of Ordinances. In addition, no person shall operate or use any public address system, whether fixed, portable or vehicle mounted, except when such use or operation has been approved by the director of the parks and recreation.
- (14) Engaging in or soliciting business within a park or recreation area/facility except where authorized by the director of the parks and recreation department, and no person shall distribute, post, place or erect any bills, notices, paper, or advertising device or matter of any kind without consent of the director of the parks and recreation department.
- (15) Swimming in areas not designated for the purpose and/or failing to obey all posted rules while swimming.
- (16) Bringing a dog or any other animal into a park or recreation area/facility unless it is crated, caged or upon a leash not longer than six feet or otherwise under physically restrictive control at all times. For this purpose:
  - a. No person shall leave any dog or other animal unattended within any park or recreation area/facility.
  - b. No person shall keep in a park or recreation area/facility a noisy, vicious, or dangerous dog or animal, or one which is disturbing to another person after he has been asked to remove such animal.
  - c. No person shall bring a saddle, pack, or draft animal into a site, which has not been developed to accommodate it.

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- d. The owner of any animal shall be responsible for cleaning up and properly disposing of any waste from such animal.
- (17) All posted speed limits and other regulations shall be followed.
- (18) Day use recreation areas/facilities and picnic areas are available on a first come first serve basis unless reserved. The recreation buildings and some shelters are available by reservation only.
- (19) No glass containers allowed in any park area.
- (20) It shall be unlawful for any person, except with a permit or concession from the county parks and recreation department, to sell or offer for sale within any public park or recreation area/facility any cold drinks, fruits, food, tobacco or other merchandise.
- (21) No person shall appear in public in such a manner that one's genitalia or a females breasts are unclothed or exposed. This subsection does not apply to a female who is breastfeeding her own child.
- (22) No person shall use a bench or other sitting area so as to interfere with its use by other persons, including storing any materials thereon.
- (23) No person shall engage in camping, or erect or maintain a tent, shelter, or camp in any park without approval from the director of the department.
- (24) No person shall use, or permit any animal under his or her control to use, any fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings.
- (25) No person shall refuse to vacate any park property or recreation facility/area when requested to do so for a scheduled parks and recreation event or approved event.
- (26) No person shall use a metal detector in any fenced-in area or upon any athletic field or archeological site

**Sec. 24-4. Penalty for violation of article.**

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-10 of the Lancaster County Code of Ordinances.

**SECTION III. Severability**

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



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**SECTION IV.      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 supersedes all other provisions and this Ordinance is controlling.

**SECTION V. Effective Date of Ordinance**

This Ordinance is effective upon passage of Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

**ATTEST:**

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

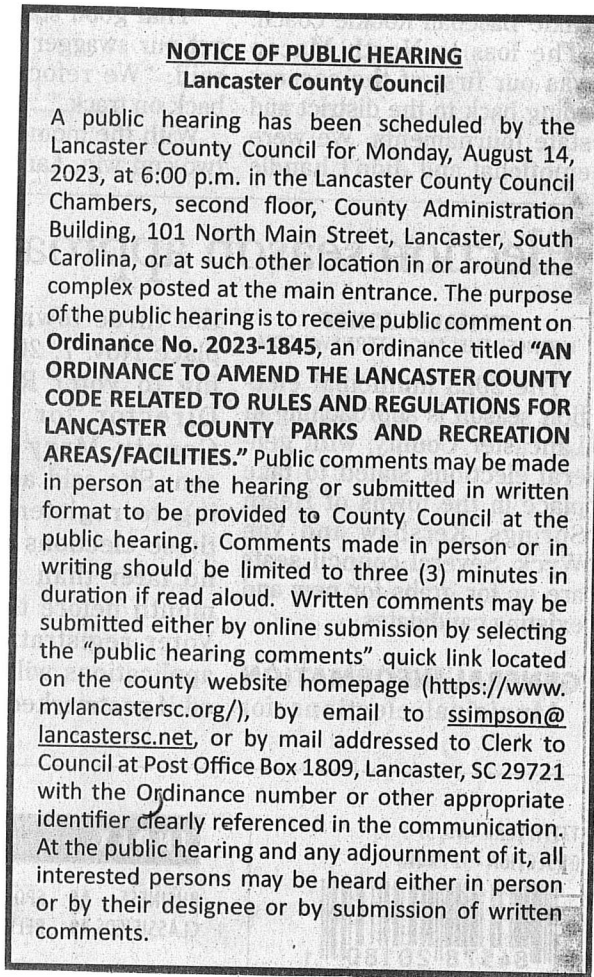
First Reading:      July 17, 2023  
Second Reading:    August 14, 2023  
Public Hearing:      August 14, 2023  
Third Reading:      August 28, 2023

Approved as to form:

\_\_\_\_\_  
Virginia Merck-Dupont, County Attorney

# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133



I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on

July 26th 2023.

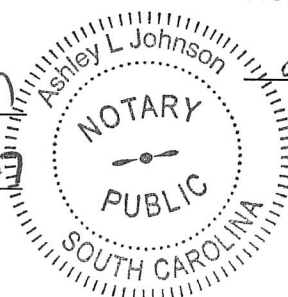
SWORN to before me this 26th day of

July, 2023  
*Ashley L Johnson*

Notary Public for South Carolina  
My Commission Expires: 01/20/2027

Newspaper Rep Signature

*Kristi Ross*



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1846  
Contact Person / Sponsor: Chris Clouden / Parks & Recreation  
Department: Attorney  
Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Adopt criteria by which County Council will consider in the naming or renaming of County property and facilities.

### **Points to Consider:**

This item was presented at the March COW meeting and County Council asked at that meeting for more information to clarify that names can be canceled or changed at any time by Council vote. The attached draft Ordinance reflects that change and a few other tweaks.

Lancaster County has numerous assets of real property and facilities, particularly in the parks and recreation department, that can be utilized to honor local residents or even monetized to maximize revenue for the County.

The County recently added two new athletic / soccer complexes, plus renovated the Indian Land Recreation Center. In addition, the County is embarking on the construction of a new 84-acre regional park and new Detention Facility.

These new facilities, plus others planned, give the County Council an opportunity to determine names for these new facilities.

There are a myriad of ways the County Council can approach naming of County property and facilities, with this proposed ordinance identifying some criteria or parameters to consider.

This ordinance outlines a general naming policy, but would be used in tandem with an administrative policy related to sponsorships, for the instance when sponsorships can be parlayed into naming rights that would be presented to County Council.

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

Naming of public property or facilities can evoke a lot of emotions depending on the name and rationale utilized. Having a policy and transparent process can mitigate any concerns for how names are determined.

The only funding factor is having expenses to pay for signage and potential advertising. However, there could be significant revenue generated based on sponsorship opportunities with naming rights.

### **Recommendation:**

Approve the ordinance.

### **ATTACHMENTS:**

| Description         | Upload Date | Type      |
|---------------------|-------------|-----------|
| Ordinance 2023-1846 | 7/20/2023   | Ordinance |

# ORDINANCE NO. 2023-1846

**ESTABLISHING A POLICY AND PROCEDURE FOR NAMING COUNTY-OWNED PROPERTIES OR STRUCTURES.**

**WHEREAS**, naming opportunities for County-owned properties or structures are expected to reflect the history, tradition and values of Lancaster County; and

**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:

Lancaster County Code of Ordinances is hereby amended to add a section entitled “Naming of County-Owned Properties or Structures or Portions Thereof” as follows:

To set the policy and guidelines for official naming of County owned properties or structures or portions thereof, which is defined as a meeting room or conference room or other public space owned by the County. This policy shall not apply to any privately owned properties or structures or portions thereof in the County.

Council may receive recommendations as to the naming of County-owned properties or structures or portions thereof from the public, staff and related advisory bodies. All final decisions on naming or renaming of any County owned property or structures or portions thereof will be made by County Council in its sole and complete discretion and shall require a unanimous vote of County Council.

**C. Guidelines for Naming of County Owned Properties or Structures or Portions Thereof.**

(1) Initial naming of County owned properties or structures or portions thereof shall be handled as follows:

- a. Properties or structures or portions thereof owned by the County may be named for an elected or appointed public official or public employee. The elected or appointed official must be deceased for a minimum of three (3) years and the complete name of the individual must be used. The last name of the individual so honored may be used in referring informally to the property or structure of portion thereof.
- b. Properties or structures or portions thereof owned by the County may be named for areas of geographic interest located within Lancaster County.
- c. Properties or structures or portions thereof owned by the County may be named for persons or events of historical or patriotic significance in the United States provided they are related to Lancaster County. Any persons of historical or patriotic significance must be deceased for a minimum of three (3) years and the complete name of the individual must be used. The last name of the individual so honored may be used in referring informally to the property or structure or portion thereof.
- d. Properties or structures or portions thereof owned by the County may be named for nature or wildlife which are indigenous to Lancaster County.
- e. Properties or structures, or a portion of a property or structure, such as a meeting or conference room or other public space owned by the County may be named for individuals who, in the opinion of Council, have made exceptional contributions to the community by having met one or more of the following:
  1. Contribution which resulted in the long-term health and/or well being of the people of Lancaster County.
  2. Must not have any other property or structures named for them in the County.
  3. Nominated individuals must be supported by five letters of recommendation from groups, individuals or communities within the County.
  4. Individual must have been actively involved in Lancaster County community affairs for no less than 10 years.
  5. Contribution of individual must be of an exceptional quality and/or significance.



6. Efforts of individual must have made a lasting, significant contribution to the County's goals and objectives.

In addition to the requirement to have met one or more of the factors outlined above in (C)(1)(e)(1-6), the individual must be deceased for a minimum of three (3) years and the complete name of the individual must be used. The last name of the individual so honored may be used in referring informally to the property or structure.

- f. Properties or structures, or a portion of a property or structure, such as a meeting or conference room or other public space owned by the County may be named for individuals, groups or businesses who have made significant donations of land, money or facilities to the County pursuant to the following criteria:
  1. Any individual, group or business that donates a significant amount of money, land or facilities may be eligible for naming rights to said property or a portion of the property or structure as outlined above.
  2. When the proposed naming of a property or structure or portion thereof is in honor of an individual, the complete name of the individual must be used. The last name of the individual so honored may be used in referring informally to the facility.

(2) Renaming of County Owned Properties or Structures of Portions thereof:

- a) Renaming of a property or structure or portion thereof may occur when a property or structure or portion thereof that has been named in accordance with Section (C)(1) of this ordinance has reached the end of its useful life, deemed to be the length of time the structure or portion thereof is reasonably used for the benefit of the citizens of Lancaster County, and will be replaced or substantially renovated. The replaced or renovated property or structure or portion thereof may be renamed in recognition of another honoree per the criteria set forth herein.
- b) Renaming of a property or structure or portion thereof may occur when a property or structure or portion thereof that has been named in accordance with Section (C)(1) of this ordinance has been designated for another use by the County and may be named in recognition of a different honoree pursuant to the guidelines outlined in Section (C)(1) of this ordinance.
- c) In the event of a renaming of a property of structure or portion thereof pursuant to subsection (C)(2)(a) and (b) of this ordinance, appropriate recognition of earlier honorees shall be included in or adjacent to the newly renovated property or structure of portion thereof as well as on any redeveloped property or structure of portion thereof.

- d) County Council may rename a property or structure or portion thereof at anytime for any reason with or without cause at its sole discretion and beyond the requirements of subsection (C)(2)(a) and (b) of this ordinance. The renaming of a property by Council will cancel all agreements and Lancaster County shall not be required to issue refunds on prior monetary collections. The return of any refunds or portion of refunds on prior monetary collections shall be at the discretion and direction of Council.
- (3) Nominations for Naming of County Owned Properties or Structures or Portions thereof:
- a) Nominations for naming of County owned properties or structures or portions thereof may be submitted to the Clerk to County Council in writing, accompanied by a justification for the recommended honoree.
  - b) Requests will be reviewed by the County Administrator and other appropriate staff before being submitted to County Council.
- (4) Proposed name(s) for County owned properties or structures or portions thereof must be in good taste per local community standards and must not be insulting or derogatory.

**SECTION II.**      **Severability**

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

**SECTION III.**      **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 supersedes all other provisions and this Ordinance is controlling.

**SECTION IV.**      **Effective Date of Ordinance**

This Ordinance is effective upon passage of Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

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Steve Harper, Chair, County Council

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Billy Mosteller, Secretary, County Council

**ATTEST:**

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Sherrie Simpson, Clerk to Council

First Reading: August 14, 2023  
Second Reading: August 28, 2023  
Third Reading: September 11, 2023  
Public Hearing: September 11, 2023

Approved as to form:

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Virginia Merck-Dupont, County Attorney

## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1861

Contact Person / Sponsor: Dennis Marstall / Administration and Ginny Merck-Dupont / County Attorney

Department: Administration

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Approval of the sell and conveyance of the old jail, old library and an office building to the Lancaster County Society of Historical Preservation for the purpose of restoring the Old Jail and Library and utilizing them to highlight their original and historic purpose.

### **Points to Consider:**

In August 2022, the Lancaster County Society of Historic Preservation made a presentation to County Council requesting ownership of the County properties on the parcel of land located at the corner of West Gay and South French Street in order to refurbish the buildings, including the Old Jail and Library, and highlight their historic relevance to the community.

This iconic Library structure was built in 1936-7 in the “WPA era” architectural style of the time and was the County’s first dedicated library building. It served as a major community asset until 1970 when the new library building was built on White Street. Several generations of Lancastrians used the old library not only to check out books, but as a haven for writing term papers and conducting other research, and it was the base for the Bookmobile that brought library books to country stops around the county, providing rural families access to books that they might otherwise not have had.

Most recently the old Library building served as the County's EMS Headquarters, but has remained vacant for at least the past five year and is in need of repairs, including a new roof and plaster wall repair. The proposal by the Society is to restore the facility in the image of its original design and use it as an Archives Center.

The Old Jail was designed by early American Architect, Robert Mills, who was a protege of Thomas Jefferson, and helped popularize the Greek Revival style of architecture throughout his career. The Jail was built in 1823 and incorporated innovative jail design changes promoted by Mills. The Old Jail is listed on the US Register of National Historic Places. It most recently had County offices on the first floor, but the second floor has remained unused for numerous years, as it has had the rafter supports reinforced and there are still burn marks on the rafters and ceiling from when there was fire in the Jail.

The Society plans to renovate the facility and use it for a Visitor's Center and office space, with the potential for exhibit or event space.

This parcel of land is included in the cultural arts district plan for Gay Street and ties into other proposed projects to revitalize the Gay Street corridor. A newly restored and recast Lancaster County Archives Center and Historic Jail Visitor's Center will result in direct and indirect benefits to the County through revitalization of the property, driving further redevelopment efforts for surrounding properties and thereby creating jobs and increasing the tax base for Lancaster County.

The conveyance includes the following requirements:

(1) A nominal payment

(2) the Historic Jail and Old Library be made accessible, but not necessarily fully restored and recast, to the public within five years of the date of the conveyance; and

(2) allows for the demolition of the current Clemson Cooperative Extension Office Building within four years from the date of the conveyance.

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

The real property is surplus to the needs of the County. A condition of the conveyance is that should the Lancaster County

Society for Historical Preservation cease ownership of the real property at some time in the future or if the property is no longer used for a public purpose, then ownership of the property shall revert back to the County at no cost.

All three buildings on the parcel were appraised in October 2022 at a value of \$200,000, but all the buildings need significant investment to address roof repairs, moisture issues, and other updates.

The County will have to determine if it still wants to be responsible for providing office space for the Clemson Cooperative Extension space, as their current facility next to the Old Library is proposed to be torn down within four years.

**Recommendation:**  
Approve Ordinance 2023-1861.

**ATTACHMENTS:**

| Description                                      | Upload Date | Type                   |
|--------------------------------------------------|-------------|------------------------|
| Ordinance 2023-1861                              | 7/13/2023   | Ordinance              |
| Notice of Public Hearing for Ordinance 2023-1861 | 8/8/2023    | Public Hearing Notices |



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

**ORDINANCE NO. 2023-1861**

**AN ORDINANCE AUTHORIZING LANCASTER COUNTY TO SELL AND CONVEY COUNTY OWNED PROPERTY LOCATED AT 107 SOUTH FRENCH STREET, 208 WEST GAY STREET AND 210 WEST GAY STREET AND CONTAINING .55 ACRES, MORE OR LESS, BY DONATION, BEING SHOWN ON THE LANCASTER COUNTY TAX MAPS AS PARCEL NUMBER 0068P-0Q-009.00.**

**WHEREAS**, the County Council of Lancaster County currently owns a .55 acre, more or less, parcel of land located at 107 South French Street, 208 West Gay Street and 210 West Gay Street which was improved with a jail, library and an office building for the benefit of Lancaster County and its citizens; and

**WHEREAS**, the Lancaster County Society for Historical Preservation approached Lancaster County with an interest in acquiring the property in order to restore and recast the Old Library as the Lancaster County Archives Center and the Historic Jail as a Visitor's Center; and

**WHEREAS**, Lancaster County Council has determined that the real property is surplus to the needs of Lancaster County; and

**WHEREAS**, Lancaster County Council has determined that the real property should be donated to the Lancaster County Society for Historical Preservation for the purposes of restoring and recasting both the Library and Jail facilities, but demolishing the Cooperative Extension building or using part of it as an annex for a new Archives Center, thus benefitting the County as a whole; and

**WHEREAS**, the restoration and recasting of the real property of the Old Library and Historic Jail will result in direct and indirect benefits to the County through revitalization of the aforesaid property, which is anticipated to drive further redevelopment efforts for surroundings properties, thereby creating jobs and increasing the tax base of Lancaster County; and

**WHEREAS**, Lancaster County Council has determined that the donation of the real property to the Lancaster County Society for Historical Preservation for the purpose of restoring and recasting these facilities shall include the requirement that the proposed Archives Center and Visitor's Center be made accessible, but not necessarily fully restored and recast, to the public within five (5) years of the date of the conveyance; and

**WHEREAS**, Lancaster County Council has determined that the donation of the real property to the Lancaster County Society for Historical Preservation for the purpose of restoring and recasting these facilities will allow for the demolition of the current Clemson Cooperative Extension Office Building within (4) years from the date of conveyance; and

**WHEREAS**, Lancaster County Council has determined that a condition of the property conveyance should be that if the Lancaster County Society for Historical Preservation ceases ownership of the real property at some time in the future or if the property is no longer used for a public purpose, ownership of the property shall revert to the County at no cost; and

**WHEREAS**, the County Council finds that donation of the property to the Lancaster County Society for Historical Preservation subject to the aforesaid outlined terms is an appropriate conveyance of this surplus real property and will be advantageous to the County and represents an important and necessary governmental function.

**NOW, THEREFORE, BE IT ORDAINED**, by the County Council, as follows:

**Section 1.     Authorization.**

The County is authorized to:

(A) negotiate in good faith with the Lancaster County Society for Historical Preservation in hopes of consummating the conveyance subject to terms as outlined in this Ordinance;

(B) The County Council of Lancaster County hereby authorizes and directs that the Chairman of the Lancaster County Council, make, execute and deliver the deed/donation conveying the premises described herein to the Lancaster County Society for Historical Preservation, to sign all required documents and do all things necessary to complete the sale of the said property.

**Section 2.     Severability.**

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

**Section 3.     Conflicting Provisions.**

Any ordinance, resolution, or other order of the Lancaster County Council, the terms of which are in conflict with this ordinance, is, only to the extent of that conflict, repealed.

**Section 4.     Effective Date.**

This Ordinance shall take effect only after the County Council has approved it after three readings and a public hearing has been duly and timely held.

**LANCASTER COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Steve Harper, Chairman  
Lancaster County Council

By: \_\_\_\_\_  
Billy Mosteller, Secretary  
Lancaster County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council  
Lancaster County Council

First Reading:        July 17, 2023  
Second Reading:     August 14, 2023  
Public Hearing:       August 14, 2023  
Third Reading:       August 28, 2023

Approved as to form:

\_\_\_\_\_  
Virginia L. Merck-Dupont, County Attorney

# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## **NOTICE OF PUBLIC HEARING**

### **Lancaster County Council**

A public hearing has been scheduled by the Lancaster County Council for Monday, August 14, 2023, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on **Ordinance No. 2023-1861**, an ordinance titled **"AN ORDINANCE AUTHORIZING LANCASTER COUNTY TO SELL AND CONVEY COUNTY OWNED PROPERTY LOCATED AT 107 SOUTH FRENCH STREET, 208 WEST GAY STREET AND 210 WEST GAY STREET AND CONTAINING .55 ACRES, MORE OR LESS, BY DONATION, BEING SHOWN ON THE LANCASTER COUNTY TAX MAPS AS PARCEL NUMBER 0068P-0Q-009.00."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to [ssimpson@lancastersc.net](mailto:ssimpson@lancastersc.net), or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on July 26th 2023.

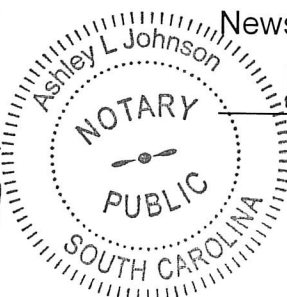
SWORN to before me this 26th day of July, 2023

Ashley L Johnson  
Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature

Kristi Ross



## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1867

Contact Person / Sponsor: Dennis Marstall / County Administrator and Ginny Merck-Dupont / County Attorney

Department: Attorney

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

Whether to amend the Lancaster County Code to Relating to Parliamentary Procedures for Council Meetings to Reinstate Certain Standing Committees and Provide for Procedures Relative to Same in Order to Comport with Existing Lancaster County Practices and Procedures.

### **Points to Consider:**

During the height of the COVID Pandemic, County Council adjusted its rules of procedure on August 10, 2020 in order to more efficiently govern the County in the context of COVID protocols and public safety. The changes included providing for remote meetings and electronic voting, but also tweaked several processes of meeting procedures from meeting notices and public comments to general debate and updated Roberts Rules of Order.

It has been discovered that several sections of the Code pertaining to Council's rules of procedure for Council meetings were inadvertently deleted during the updating process for COVID. Such omissions include any references to standing committees of the Council and how they are created. Further, there is no codified structure for the Committee of the Whole and how it is to operate or function.

The draft ordinance re-establishes the Committee Structure as a function of the County Council, and the process and procedures for how the committees will operate. The Ordinance language incorporates what was in the County Code related to the Committee Structure prior to August 2020 and includes some tweaks such as formally re-establishing the Administration Committee, formally creating the Committee of the Whole, and outlines how ad hoc committees may be formed.

These rules are solely at the Council discretion and direction, so when this omission was found in the County Code, Administration felt the need to inform County Council of this situation and recommend a potential remedy.

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

Not applicable.

### **Recommendation:**

Amend the Code relating to Parliamentary Procedure and Council Committees.

### **ATTACHMENTS:**

| Description         | Upload Date | Type      |
|---------------------|-------------|-----------|
| Ordinance 2023-1867 | 8/10/2023   | Ordinance |



STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023- 1867

COUNTY OF LANCASTER

)

Indicates Matter Stricken

Indicates New Matter

## AN ORDINANCE

**TO AMEND THE LANCASTER COUNTY CODE, RELATING TO PARLIAMENTARY PROCEDURES FOR COUNCIL MEETINGS TO REINSTATE CERTAIN STANDING COMMITTEES AND PROVIDE FOR PROCEDURE RELATIVE TO SAME IN ORDER TO COMPORT WITH EXISTING LANCASTER COUNTY PRACTICES AND PROCEDURES.**

**WHEREAS**, the Lancaster County Council wishes to amend the ordinance which organized and set forth the rules and regulations for the transaction of business of the Lancaster County Council

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

**Section 1.** Chapter 2, Article II, is hereby amended to add the following Section 2-61, 2-62 and 2-63 as follows:

### **Section 2-61. Standing Committees.**

- (a) Appointment. All committees, including any ad hoc committees which become necessary, shall be appointed by the council chair and the chair of the individual committee shall be appointed by the council chair. The committee may, at its discretion, elect a vice-chair and such other officers as it may choose.
- (b) Standing Committees. Standing committees of the County Council shall be as follows:
  - (1) A Committee of Administration which shall consist of no less than three (3) members.
- (c) Committee of the Whole. At the discretion of the council chair or upon the majority vote of council, any committee may sit as a committee of the whole made up of all members of council. A Committee of the Whole may also be convened by the council chair, and include all members of council, to receive information regarding unique, special or complex matters.

## **Section 2-62. Standing Committee Assignments and Procedure.**

- (a) Assignment of County government functions to a committee; committee structure/committee assignments. The council chair shall provide a list of the various county divisions, departments, boards and commissions and other activities that are assigned to any standing committee established. These assignments may be changed, as necessary, by the council chair, with the advice of the county administrator. Any change in the committee assignment of various government functions shall not become effective until it is announced at a regularly scheduled meeting of the county council and the administrator has been notified in writing by the council chair
- (b) Member assignments. After consulting with council members regarding their preferences for committee assignments, the council chair shall appoint council members to any standing committee established. Committee assignments shall be made for a period of two (2) years beginning with the first regularly scheduled council meeting in each January. The council chair may, from time to time, make changes to committee assignments for any of the following reasons:
  - (1) To fill a vacancy;
  - (2) To accommodate a new council member;
  - (3) To respond to a formal request from a council member to change committees;
  - (4) To solve a schedule conflict; or
  - (5) To make changes in the committee chair.
- (c) Chairpersons. The council chair, in exercising the duties under Section 2-61(a) may make changes to committee chair assignments as is seen fit, but must make the initial and any subsequent changes to committee chair assignments at a public meeting of the county council. The council chair will make committee chair assignments for two (2) year terms.
- (d) Council attendance. All council members may attend any committee meeting, but a member may cast a vote on a matter only if he or she is a voting member of that committee. If a member of council is in attendance at a committee meeting where he or she is not a voting member, that member may participate in the meeting upon approval of the committee chair. Committee members not in attendance at committee meetings may not cast a vote by proxy.
- (e) Quorum. A quorum for each committee shall consist of a majority of its members. If a quorum is not met at any scheduled committee meeting, the matters scheduled to be discussed will be forwarded to the full council and clearly marked "forwarded without recommendation." If a particular item does not receive a majority vote, it will be forwarded to the full council and clearly marked "forwarded without recommendation." The committee chair shall be the presiding officer over committee meetings. The committee, by majority vote, may designate one (1) of its members to serve as vice-chair



of the committee. In the absence of the committee chair, the committee vice-chair shall fulfill the duties of the committee chair. Committees shall follow all the parliamentary and procedural rules of the county council.

- (f) Meeting schedule. Committees shall meet as necessary to conduct the work of the committee. The chair of each committee shall schedule committee meetings at a time decided by majority vote of the committee members. The chair of each committee shall schedule special meetings of the committee as necessary. Committee schedules will be approved by the council chair in order to ensure that meeting schedules do not conflict. A scheduled committee meeting may be canceled by the chairman of the committee with at least twenty-four (24) hours notice to the committee members.
- (g) Agenda process. The agenda process for committee meetings shall be as follows:
  - (1) The suggested format for committee agendas will be set forth by the council chair.
  - (2) Proposed committee agenda will be prepared by the administrator or a designee and submitted to the chair of each committee at least five (5) working days prior to the scheduled committee meeting. Committee agendas will be approved by the appropriate committee chair and the council chair.
  - (3) Once the committee packet is in final form, it will be distributed to each committee member at least three (3) working days (not including the meeting date) prior to the meeting. A copy of the agenda only (not including any backup materials) will be distributed at the same time to each council member not on the committee.
- (h) Administrative and staff reports. The county administrator and the appropriate staff will report to the committee on any matter in which the committee may have an interest or of which the committee may need to be made aware.
- (i) Committee reports. The chair of a standing committee shall report upon the activities of the committee at each regular council meeting, and a time for such reports shall be deemed to be included in every agenda. Each committee shall function as an advisory committee to the county administrator when the administrator so requests and to the county council. Each committee shall investigate, gather information, make inquiries, and study the issues under its jurisdiction with a purpose of keeping council fully informed. Committees shall make reports to council with or without recommendations for action by the council. Action taken by any committee shall not be construed as action by the council until the subject matter of the committee's action has been presented at a regular or special meeting of county and acted upon by the council in accordance with its rules of procedure.

- (j) Minutes. Minutes of a committee meeting will be taken by either a qualified person assigned to the regular staff or a division or by the clerk to council, as the chairman of the committee choses.

**Section 2-63. Ad Hoc Committees.**

The council chair may appoint ad hoc committees composed of council members, a combination of council members and citizens, or citizen members only to study and advise council on a specific issue. Such committees shall function for a specific time period and shall be dissolved at the end of the time period or when their business is finished, whichever is earliest. The time period for the existence of such committees may be extended for a time certain by action of county council.

**Section 2.** If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 3.** To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code, other County ordinances, or the adopted bylaws and rules of procedure for existing boards and commission, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 4.** This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper  
Chair, County Council

\_\_\_\_\_  
Billy Mosteller  
Secretary, County Council

ATTEST:

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Sherrie Simpson, Clerk to Council

First Reading: August 14, 2023  
Second Reading: August 28, 2023  
Third Reading: September 11, 2023

Approved as to form:

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Virginia L. Merck-Dupont, County Attorney

## Agenda Item Summary

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Ordinance # / Resolution #: Ordinance 2023-1868

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Amend the County Code to extend the residency requirement time frame by which the County Administrator, Deputy County Administrator and the Director of Economic Development must locate within Lancaster County.

**Points to Consider:**

County Council has previously discussed the residency requirement for the three staff positions identified in the County Code that must adhere to a residency requirement, as a condition of employment. The residency requirement, as discussed in July 2023 centered on adjusting the boundaries of the residency requirement, but did not contemplate adjusting the current timeframe of six months, by which the identified employees had to achieve residency.

Given the economic realities of the day and the many issues associated with relocations, including selling properties and finding new housing in a tight housing market in Lancaster County, it may take more than six months for these employees to finalize permanent residency.

This ordinance provides more flexibility for relocations, but still supports Council's preference to have these top staff positions live within the County by extending the residency requirement timeframe from six months to twelve months (one year).

This action will allow flexibility for personal family situations of the identified candidates for these positions. It will also help support the County's focus to recruit top talent to the County workforce and expand the recruitment pool for these three management positions.

**Funding and Liability Factors:**

N/A

**Recommendation:**

Approve Ordinance 2023-1868.

**ATTACHMENTS:**

| Description         | Upload Date | Type      |
|---------------------|-------------|-----------|
| Ordinance 2023-1868 | 8/9/2023    | Ordinance |



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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1868

COUNTY OF LANCASTER

)

~~Indicates Matter Stricken~~

Indicates New Matter

## AN ORDINANCE

### TO AMEND THE LANCASTER COUNTY CODE RELATED TO THE RESIDENCY REQUIREMENT FOR CERTAIN MANAGEMENT POSITIONS

**WHEREAS**, the Lancaster County Administrator (“County Administrator”), pursuant to SC Code 4-9-630, is charged with the statutory power and duty to direct and coordinate operational agencies and administrative activities of the county government; and

**WHEREAS**, the County Administrator, pursuant to SC Code 4-9-620, shall be responsible for the administration of all departments of the county government which the Council of Lancaster County (“County Council”) council has the authority to control; and

**WHEREAS**, County Council finds that it should remove certain prescriptive and restrictive language from the County Code related to residency requirements for certain positions to increase the applicant pool for management positions within the County.

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

**Section 1.** Section 2-132.1 of the Lancaster County Code is hereby amended as follows:

#### **Sec. 2-132.1. – Residency Requirements for Certain County Staff**

- (a) On or after February 1, 2016, the county administrator, the deputy county administrator and the county’s director of economic development shall reside permanently within the boundaries of Lancaster County during the entire period of employment.
- (b) Unless otherwise modified by council because of unusual circumstances, permanent residency shall be established within ~~six (6) months~~ one year following the ~~staff member’s~~ acceptance of employment of any of the aforementioned.

**Section 2. Severability.**

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

**Section 3. Conflicting Provisions.**

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

**Section 4. Effective Date.**

This ordinance is effective upon third reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading: August 14, 2023  
Second Reading: August 28, 2023  
Public Hearing: September 11, 2023  
Third Reading: September 11, 2023

Approved as to form:

\_\_\_\_\_  
Virginia L. Merck-Dupont, County Attorney

## Agenda Item Summary

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Ordinance # / Resolution #: Resolution 1241-R2023 / Planning Case Number: CU-2023-0695

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 8/14/2023

### **Council Action Requested:**

To either approve or deny proposed Conditional Use for a car wash, application by The Timmons Group, TIL Holdings of Texas, George McGinn and Sallie Cooper for a Conditional Use Permit for a 2.9-acre parcel at 168 Fort Mill Highway/Highway 160 (TM# 0008-00-007.00) for development of an automated car wash facility.

### **Points to Consider:**

The property was rezoned from the Mixed-Use Zoning District to General Business Zoning District earlier this year (Ordinance No. 2023-1839).

The property is located a quarter mile away from an existing car wash at the Havoline Xpress Lube. The proposed site is also within 1 mile radius of 11 pre-existing minor maintenance and repair facilities. These include car washes, oil change facilities, and repair shops.

The proposed plan includes a 5,000 sq ft "future office building" that would be built at a second phase of the site.

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

N/A

### **Recommendation:**

The applicants have submitted a site plan that meets the requirements of the Conditional Use Permit.

Planning Commission has numerous concerns for accessing and leaving the site and the locations proximity to the US 521 and SC 160 intersection. The commission wants to ensure that the entrance to the nearby Captial Club is not obstructed or made more difficult to enter and leave the site. Planning Commission Recommended Approval 5-1 during their July regular meeting.

### **ATTACHMENTS:**

| Description                                                                                        | Upload Date | Type                   |
|----------------------------------------------------------------------------------------------------|-------------|------------------------|
| Resolution 1241-R2023                                                                              | 8/9/2023    | Resolution             |
| Application                                                                                        | 5/9/2023    | Exhibit                |
| Survey Plat                                                                                        | 5/9/2023    | Exhibit                |
| Turning Analysis                                                                                   | 5/9/2023    | Exhibit                |
| Revised Site Plan                                                                                  | 6/8/2023    | Exhibit                |
| TRC/Evolve Comments                                                                                | 6/13/2023   | Exhibit                |
| Staff Report                                                                                       | 7/13/2023   | Planning Staff Report  |
| SCDOT Email                                                                                        | 7/13/2023   | Exhibit                |
| Site Plan                                                                                          | 7/13/2023   | Exhibit                |
| Notice of Public Hearing for Resolution 1241-R2023 (Planning Department Case Number: CU-2023-0695) | 8/8/2023    | Public Hearing Notices |

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STATE OF SOUTH CAROLINA

)

RESOLUTION NO. 1241-R2023

COUNTY OF LANCASTER

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### **A RESOLUTION**

**TO APPROVE THE FAVORABLE RECOMMENDATION OF THE LANCASTER COUNTY PLANNING COMMISSION OF A CONDITIONAL USE APPLICATION TO PERMIT A MINOR MAINTENANCE AND REPAIR (AUTO) USE TO BE LOCATED UPON TAX MAP# 0008-00-007.00, AT 168 FORT MILL HWY, FOR THE PURPOSE OF DEVELOPING A CAR WASH BUSINESS.**

**WHEREAS**, on March 20, 2023, Banks McGinn and Sallie M. Cooper applied to the Lancaster County Planning Department for its review and consideration of a Conditional Use Permit upon a property zoned GB, General Business District, for a Minor Maintenance and Repair (Auto) use, for the purpose of developing car wash facility upon Tax Map #0008-00-007.00, located at 168 Fort Mill Hwy.

**WHEREAS**, after consideration of the details of the application, the Planning Staff conveyed certain conditions noted during the Technical Review Committee (TRC) review process; and

**WHEREAS**, on July 18, 2023, the Planning Commission considered the project, identified CU-2023-0695 and, following due consideration, recommended approval of the project, by a vote of 5-1, subject to the same TRC conditions noted by the Planning Staff.

**NOW, THEREFORE**, upon review and consideration of the Planning Staff Report, Site Concept Plan, and other supporting documentation in the County Council agenda package, it is resolved that:

Lancaster County Council approves the Conditional Use Permit for a Minor Maintenance and Repair (Auto) use for the purpose of developing a car wash facility, requiring that the applicant address any outstanding TRC comments.

**AND IT IS SO RESOLVED.**

*Signature page follows*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

Approved as to form:

\_\_\_\_\_  
Virginia L. Merck-Dupont, County Attorney



Banks McGinn  
1825 Shady Pine Circle  
Fort Mill, SC 29715

Sallie M. Cooper  
10 Shaded Way  
Round Rock, TX 78664

March 20, 2023

Lancaster County Planning Department  
P.O. Box 1809, 101 N. Main Street  
Lancaster, SC 29721

To Whom It May Concern:

We, George Banks McGinn and Sallie M. Cooper, give permission for TIL Holding of Texas LLC to apply for the conditional use zoning for the use of a car wash and office to be located at 168 Fort Mil Highway.

Signed,

George Banks McGinn  
Property Owner

*George Banks McGinn*

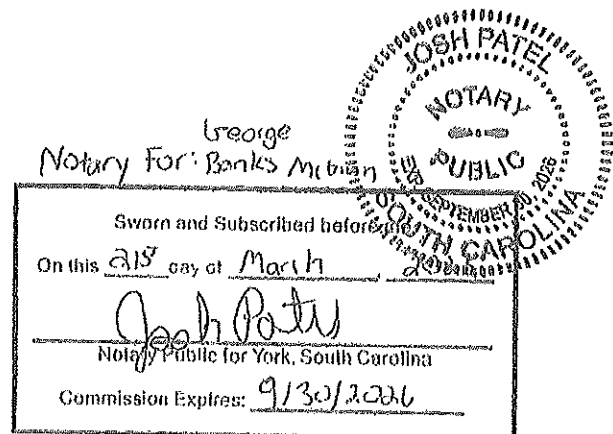
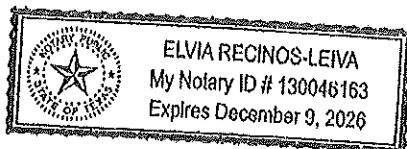
Sallie M. Cooper  
Property Owner

*Sallie M. Cooper*

Notarized

Subscribed and sworn to before me by  
*Sallie M. Cooper*  
on this the *21* day of *March, 2023*.

*Elvia Recinos-Leiva*  
Notary Public





Planning Department  
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721  
Phone: 803.285.6005, [planning@lancastercountysc.net](mailto:planning@lancastercountysc.net)  
[www.mylancastersc.org](http://www.mylancastersc.org)

## CONDITIONAL USE APPLICATION

### SUBMITTAL REQUIREMENTS

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

### GENERAL INFORMATION

Property Address 168 Fort Mill Highway  
City Indian Land State SC Zip 29707 Tax Parcel ID 0008-00-007.00  
Current Zoning GB Current Use Single Family (vacant)  
Total Acres 2.9 Surrounding Property Description Undeveloped (AR),  
Commercial (GB), Industrial (GB)  
Proposed Conditional Use Express car wash and Office

### CONTACT INFORMATION

Applicant Name TIL Holdings of Texas, LLC  
Address 1225 Mercedes Benz Dr  
City Shreveport State LA Zip 71115 Phone 318-698-5770  
Fax 318-797-6504 Email sburson@tixpresswash.com  
Co-Property Owner Name GEORGE BANKS MCGINN  
Address 1825 SHADY PINE CIRCLE  
City FORT MILL State S.C. Zip 29715 Phone 803-482-7156  
Fax \_\_\_\_\_ Email BANKSMCGINN@GMAIL.COM

## CONDITIONAL USE PLAN CHECKLIST

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

#### 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.

*[Signature]*  
Applicant TIL Holdings of Texas, LLC

3-21-2023  
Date

*[Signature]*  
Property Owner(s) *[Signature]*

3/21/23  
Date

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

#### LANCASTER COUNTY OFFICE USE ONLY

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_ Receipt Number \_\_\_\_\_

Amount Paid \_\_\_\_\_ Check Number \_\_\_\_\_ Cash Amount \_\_\_\_\_

Received By \_\_\_\_\_ Planning Commission Meeting Date \_\_\_\_\_

#### SCHEDULE/PROCESS

##### 1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Conditional Use Application Fee - \$325.00

##### 2. Planning Commission

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

##### 3. County Council

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

owner, and adjacent property owners.

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



LEGEND:

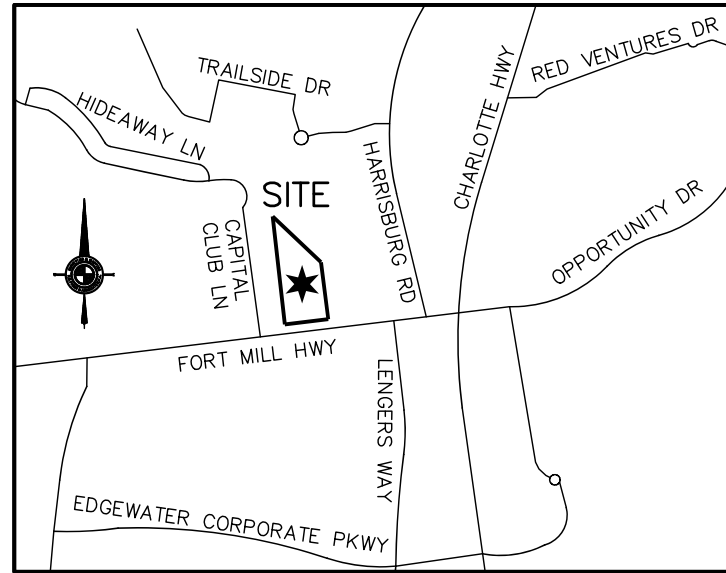
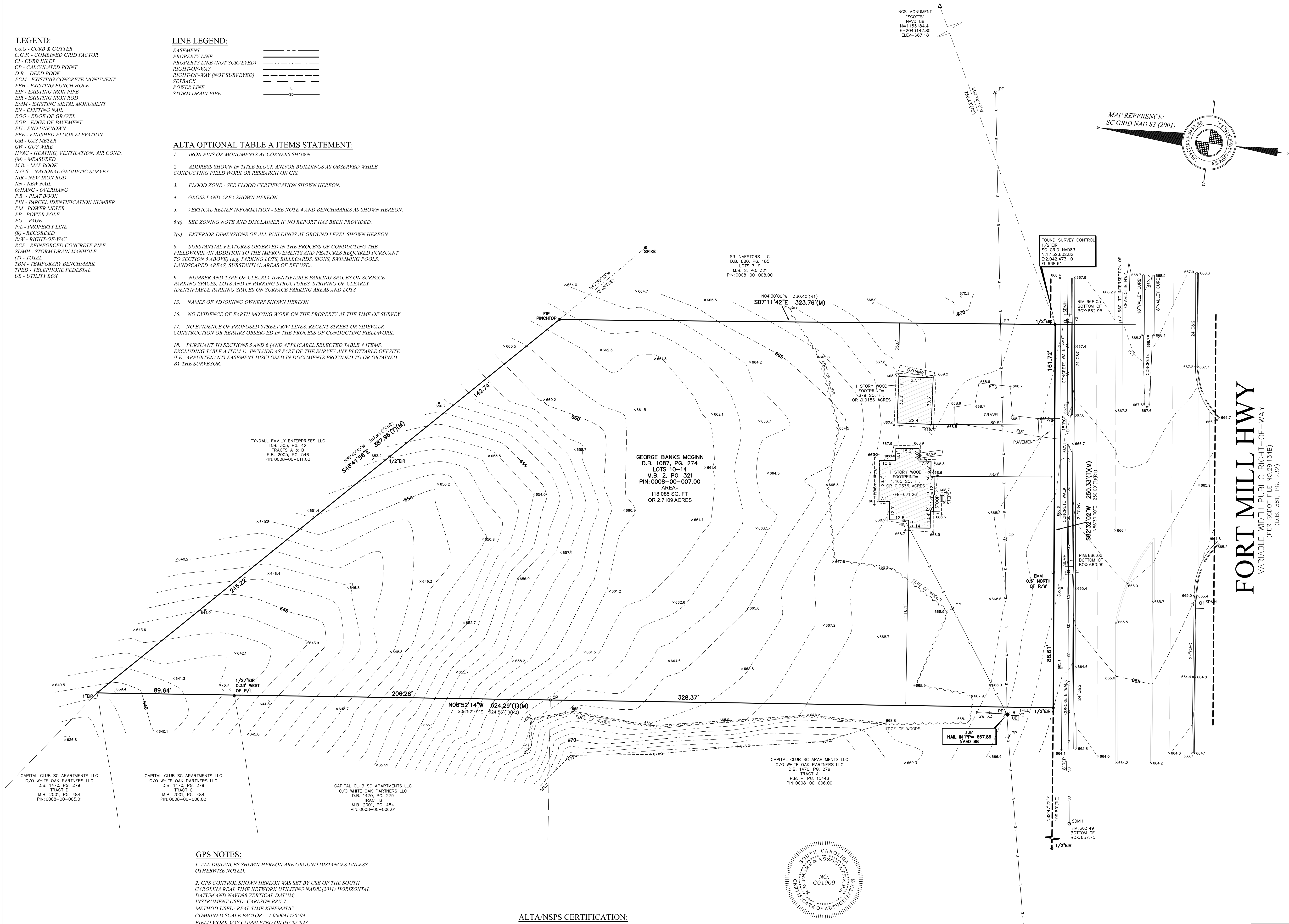
C&G - CURB & GUTTER  
C.G.F. - COMBINED GRID FACTOR  
CI - CURB INLET  
CP - CALCULATED POINT  
D.B. - DEED BOOK  
ECM - EXISTING CONCRETE MONUMENT  
EPH - EXISTING PUNCH HOLE  
EIP - EXISTING IRON PIPE  
EIR - EXISTING IRON ROD  
EMM - EXISTING METAL MONUMENT  
EN - EXISTING NAIL  
EOG - EDGE OF GRAVEL  
EOP - EDGE OF PAVEMENT  
EU - END UNKNOWN  
FFE - FINISHED FLOOR ELEVATION  
GM - GAS METER  
GW - GUY WIRE  
HVAC - HEATING, VENTILATION, AIR COND.  
(M) - MEASURED  
M.B. - MAP BOOK  
N.G.S. - NATIONAL GEODETIC SURVEY  
NIR - NEW IRON ROD  
NN - NEW NAIL  
OHANG - OVERHANG  
P.B. - PLAT BOOK  
PIN - PARCEL IDENTIFICATION NUMBER  
PM - POWER METER  
PP - POWER POLE  
PG - PAGE  
P/L - PROPERTY LINE  
(R) - RECORDED  
R/W - RIGHT-OF-WAY  
RCP - REINFORCED CONCRETE PIPE  
SDMH - STORM DRAIN MANHOLE  
(T) - TOTAL  
TBM - TEMPORARY BENCHMARK  
TPED - TELEPHONE PEDESTAL  
UB - UTILITY BOX

LINE LEGEND:

EASEMENT  
PROPERTY LINE  
PROPERTY LINE (NOT SURVEYED)  
RIGHT-OF-WAY  
RIGHT-OF-WAY (NOT SURVEYED)  
SETBACK  
POWER LINE  
STORM DRAIN PIPE

ALTA OPTIONAL TABLE A ITEMS STATEMENT:

- IRON PINS OR MONUMENTS AT CORNERS SHOWN.
- ADDRESS SHOWN IN TITLE BLOCK AND/OR BUILDINGS AS OBSERVED WHILE CONDUCTING FIELD WORK OR RESEARCH ON GIS.
- FLOOD ZONE - SEE FLOOD CERTIFICATION SHOWN HEREON.
- GROSS LAND AREA SHOWN HEREON.
- VERTICAL RELIEF INFORMATION - SEE NOTE 4 AND BENCHMARKS AS SHOWN HEREON.
- SEE ZONING NOTE AND DISCLAIMER IF NO REPORT HAS BEEN PROVIDED.
- EXTERIOR DIMENSIONS OF ALL BUILDINGS AT GROUND LEVEL SHOWN HEREON.
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK (IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED PURSUANT TO SECTION 5 ABOVE) (E.G. PARKING LOTS, BILLBOARDS, SIGNS, SWIMMING POOLS, LANDSCAPED AREAS, SUBSTANTIAL AREAS OF REFUSE).
- NUMBER AND TYPE OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING SPACES, LOTS AND IN PARKING STRUCTURES, STRIPING OF CLEARLY IDENTIFIABLE PARKING SPACES ON SURFACE PARKING AREAS AND LOTS.
- NAMES OF ADJOINING OWNERS SHOWN HEREON.
- NO EVIDENCE OF EARTH MOVING WORK ON THE PROPERTY AT THE TIME OF SURVEY.
- NO EVIDENCE OF PROPOSED STREET R/W LINES, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING FIELDWORK.
- PURSUANT TO SECTIONS 5 AND 6 (AND APPLICABLE SELECTED TABLE ITEMS, EXCLUDING TABLE A ITEM 1), INCLUDE AS PART OF THE SURVEY ANY PLOTTABLE OFFSITE (I.E., APPURTENANT) EASEMENT DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR.



NOTES:

- ELEVATIONS BASED ON N.G.S. MONUMENT "SCOTT'S", ELEVATION = 667.18 FEET, NAVD 88.
- BROKEN LINES UNLESS THEY HAVE A METES AND BOUNDS DESCRIPTION, INDICATE PROPERTY LINES NOT SURVEYED.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.

RECORDED BEARING REFERENCES:

- R1 - M.B. 2, PG. 321  
R2 - P.B. 2005, PG. 546  
R3 - D.B. 1470, PG. 282

ZONING:

SUBJECT PROPERTY ZONED: MX (MIXED USE)  
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:

NO ZONING REPORT WAS PROVIDED AT TIME OF SURVEY, PURSUANT TO ALTA TABLE A ITEM 6. PURCHASER/DEVELOPER TO VERIFY ZONING REQUIREMENT PRIOR TO FURTHER DEVELOPMENT OF SITE.

FOR FURTHER INFORMATION CONTACT THE LANCASTER COUNTY ZONING DEPARTMENT AT 803-416-9777.

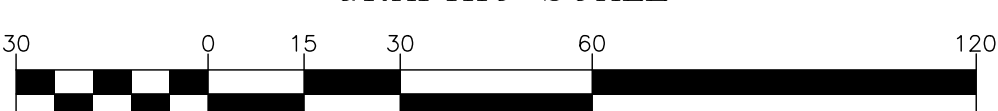
PARKING:

NO PARKING SPACES OBSERVED ON PROPERTY



Know what's below.  
Call before you dig.

GRAPHIC SCALE



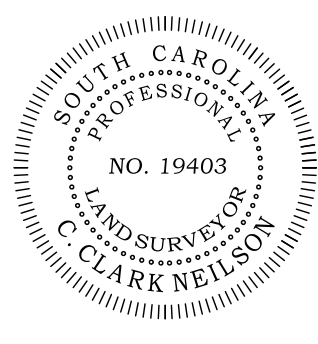
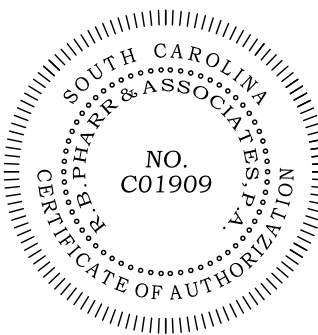
ALTA/NSPS CERTIFICATION:

TO: TIL HOLDINGS OF TEXAS, LLC

THIS IS TO CERTIFY THAT ON THE 4TH DAY OF APRIL, 2023, TO BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6a, 6b, 7a, 8, 9, 13, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 4, 2023.

C. Clark Neilson  
P.L.S. NO. 19403  
cneilson@rbpharr.com

04-12-2023  
DATE



FLOOD CERTIFICATION:

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED MAY 16, 2017.  
MAP NUMBER: 4557C0040E; ZONE X

I HEREBY STATE THAT ON THE 4TH DAY OF APRIL, 2023, TO BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SIGNED C. Clark Neilson

FORT MILL HWY  
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY  
(PER SC DOT FILE NO.29.134E)  
(D.B. 361, PG. 232)

AREA= 118,085 SQ. FT.OR 2.7109 ACRES

| REVISIONS                                                                                                                                                                                                                             |               |                  |                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
| ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:<br><b>TIL HOLDINGS OF TEXAS, LLC</b><br>168 FORT MILL HWY<br>CITY OF INDIAN LAND, LANCASTER COUNTY, SC<br>MAP REFERENCE: 2-321<br>DEED REFERENCE: 1087-274<br>TAX PARCEL NO: 0008-00-007.00 |               |                  |                    |
| R.B. PHARR & ASSOCIATES, P.A.<br>SURVEYING & MAPPING<br>LICENSE NO. C01909<br>969 E. 7TH ST., #100 CHARLOTTE, N.C. 28204 TEL. (704) 376-2186                                                                                          |               |                  |                    |
| CREW:<br>NJC                                                                                                                                                                                                                          | DRAWN:<br>KPM | REVISED:         | SCALE:<br>1" = 30' |
| DATE:<br>APRIL 4, 2023                                                                                                                                                                                                                |               | JOB NO.<br>94981 |                    |



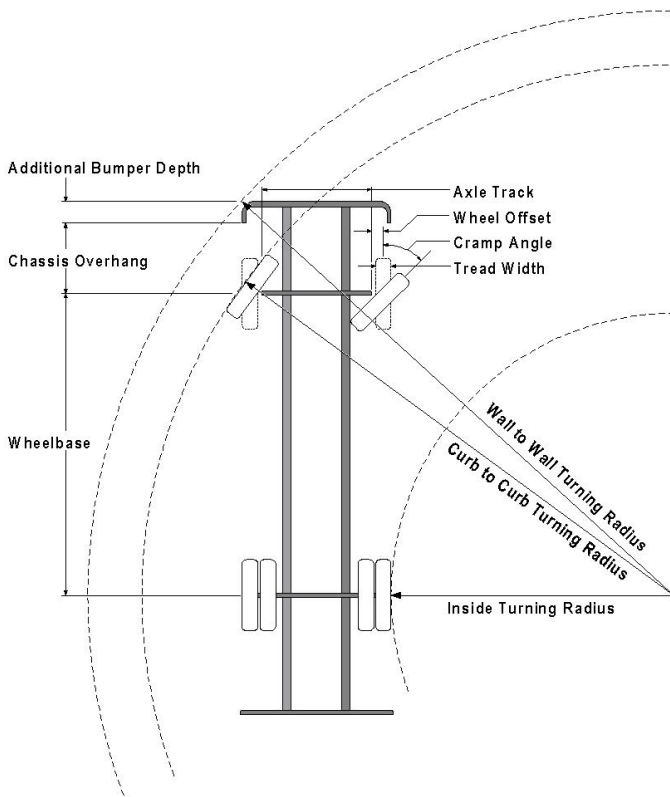


# Turning Performance Analysis

11/03/2021

**Bid Number:** 588  
**Department:** Lancaster County Fire Service

**Chassis:** Velocity Chassis, 100AAT  
**Body:** Aerial, 100AAT, Alum Body



## Parameters:

|                          |           |
|--------------------------|-----------|
| *Inside Cramp Angle:     | 40°       |
| Axle Track:              | 82.92 in. |
| Wheel Offset:            | 5.3 in.   |
| Tread Width:             | 17.5 in.  |
| Chassis Overhang:        | 78 in.    |
| Additional Bumper Depth: | 24 in.    |
| Front Overhang:          | 102 in.   |
| Wheelbase:               | 271 in.   |

## Calculated Turning Radii:

|               |               |
|---------------|---------------|
| Inside Turn:  | 25 ft. 9 in.  |
| Curb to curb: | 41 ft. 10 in. |
| Wall to wall: | 46 ft. 10 in. |

| Category            | Option  | Description                                                              |
|---------------------|---------|--------------------------------------------------------------------------|
| Bumpers             | 0721868 | Bumper, 24" Total (13" Extension), Polished S/S, Integrated, 100AAT, VEL |
| Axle, Front, Custom | 0508846 | Axle, Front, Oshkosh TAK-4, Non Drive, 24,000 lb, Velocity               |
| Axle, Front, Custom | 0508846 | Axle, Front, Oshkosh TAK-4, Non Drive, 24,000 lb, Velocity               |
| Wheels, Front       | 0019618 | Wheels, Front, Alcoa, 22.50" x 13.00", Aluminum, Hub Pilot               |
| Tires, Front        | 0582746 | Tires, Front, Goodyear, G296 MSA, 445/65R22.50, 20 ply                   |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |
| Aerial Devices      | 0771866 | Aerial, Ascendant 100' Aerial Tower                                      |

## Notes:

\*Actual Inside cramp angle may be less than shown.

Curb to Curb turning radius calculated for 9.00 inch curb.

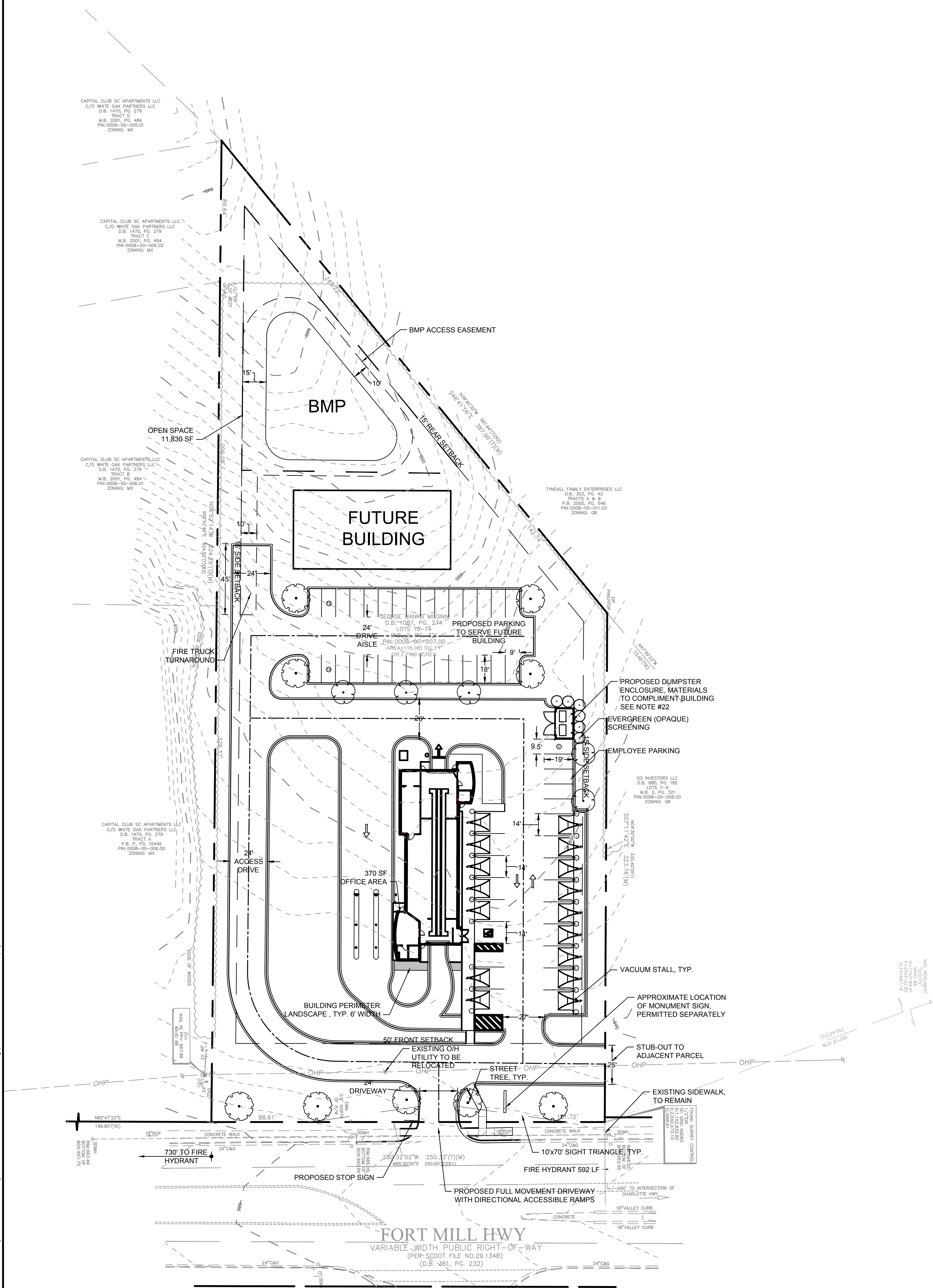
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**Definitions:**

---

|                             |                                                                                                                                                                                        |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Inside CrampAngle           | Maximum turning angle of the front inside fire.                                                                                                                                        |
| Axle Track                  | King-pin to King-pin distance of front axle.                                                                                                                                           |
| Wheel Offset                | Offset from the center line of the wheel to the King-pin.                                                                                                                              |
| Tread Width                 | Width of the tire tread.                                                                                                                                                               |
| Chassis Overhang            | Distance of the center line of the front axle to the front edge of the cab. This does not include the bumper depth.                                                                    |
| Additional Bumper Wheel     | Depth that the bumper assembly adds to the front overhang.                                                                                                                             |
| Wheelbase                   | Distance between the center lines of the vehicles front and rear axles.                                                                                                                |
| Inside Turning Radius       | Radius of the smallest circle around which the vehicle can turn.                                                                                                                       |
| Curb to Curb Turning Radius | Radius of the smallest circle around which the vehicle's tires can turn. This measures assumes a curb height of 9 inches.                                                              |
| Wall to Wall Turning Radius | Radius of the smallest circle around which the vehicle's tires can turn. This measures takes into account any front overhang due to chassis , bumper extensions and or aerial devices. |





### STAKING INSET

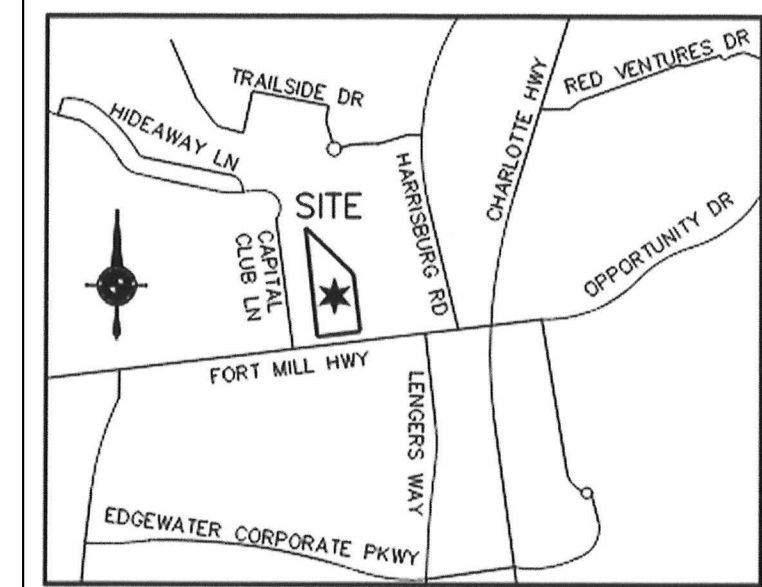
SCALE: 1" = 80'

### SITE SUMMARY

|                           |                                                     |
|---------------------------|-----------------------------------------------------|
| DEVELOPER:                | TIL HOLDINGS OF TEXAS, LLC                          |
| PROJECT NAME:             | TOMMY'S EXPRESS CAR WASH                            |
| TMS:                      | 0008-00-007.00                                      |
| ZONING:                   | GB                                                  |
| OVERLAY:                  | HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD)            |
| LOT SIZE:                 | 2.7109 ACRES                                        |
| EXISTING USE:             | SINGLE FAMILY RESIDENTIAL                           |
| PROPOSED USE:             | CAR WASH (EXPRESS TUNNEL) AND OFFICE (FUTURE)       |
| BUILDING SIZE:            |                                                     |
| CARWASH:                  | 5,200 SQUARE FEET                                   |
| OFFICE (FUTURE):          | 5,000 SQUARE FEET                                   |
| SETBACKS:                 |                                                     |
| FRONT:                    | 50'                                                 |
| SIDE:                     | 15'                                                 |
| REAR:                     | 15'                                                 |
| MAX BUILDING HEIGHT:      | 35' (OR 3 STORIES, WHICHEVER IS GREATER)            |
| BUILDING HEIGHT:          | 28' - 0"                                            |
| PARKING - CAR WASH        | (5,200 SF TOTAL, 4,830 SF WASH AREA, 370 SF OFFICE) |
| REQUIRED:                 | 11 (1 SPACES/500 SF = 10.4 SPACES [5,200 / 500])    |
| PROVIDED:                 | 22 (INCLUDES 1 ACC. SPACE)                          |
| PARKING - OFFICE (FUTURE) |                                                     |
| REQUIRED:                 | 20 (1 SPACES/250 SF = 20 SPACES [5,000 / 250])      |
| PROVIDED:                 | 30 (INCLUDES 2 ACC. SPACE)                          |
| BUFFER YARDS:             | NOT REQUIRED (GB ADJACENT TO GB AND MX)             |
| OPEN SPACE                |                                                     |
| REQUIRED:                 | 11,809 SF (10% OF 118,087)                          |

### IMPERVIOUS SUMMARY

|                     |                         |
|---------------------|-------------------------|
| SITE ACREAGE:       | 118,084 SF (2.71 ACRES) |
| PROPOSED BUILDINGS: | 9,710 SF                |
| PROPOSED PAVEMENT:  | 55,693 SF               |
| FINAL BUA %:        | 55.4%                   |



VICINITY MAP NOT TO SCALE

### SITE PLAN LEGEND

|     |                       |     |
|-----|-----------------------|-----|
| --- | R/W, PROPERTY LINE    |     |
| --- | 1'-6" CURB AND GUTTER | -/- |
| +   | STOP SIGN             |     |
| +   | STREET SIGN           |     |
| +   | HEAVY-DUTY CONCRETE   | -/- |
| +   | CONCRETE              | -/- |
| +   | CONCRETE SIDEWALK     | -/- |

### GENERAL NOTES

- CONTRACTOR TO VERIFY EXISTING CONDITIONS AND DETERMINE IF THERE ARE ANY DISCREPANCIES FROM THE PLANS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO USE ARCHITECTURAL DRAWINGS FOR EXIST DIMENSIONS OF THE BUILDING.
- CONTRACTOR TO FOLLOW AND UTILIZE ALL LANCASTER COUNTY AND SCDOT TRAFFIC CONTROL GUIDELINES SET FORTH FOR ALL WORK PERFORMED IN THE RIGHT-OF-WAY. CONTRACTOR TO COORDINATE AND CALL FOR INSPECTIONS AS SPECIFIED IN THE PERMIT.
- CONTRACTOR IS TO CUT A CLEAN EDGE ALONG EXISTING PAVEMENT PRIOR TO TYING IN NEW DRIVE. NEW ASPHALT, BASE MATERIAL, AND PAVEMENT CONSTRUCTION METHODS SHALL MEET MINIMUM REQUIREMENTS OF LANCASTER COUNTY AND SCDOT.
- ALL TRAFFIC SIGNAGE AND STREET MARKINGS IN THE RIGHT-OF-WAY SHALL USE REFLECTIVE SHEETING THAT MEETS THE REQUIREMENTS OF ASTM D4956-09. OBTAIN SHEETING FROM MANUFACTURERS PREQUALIFIED IN ACCORDANCE WITH THE LANCASTER COUNTY AND SCDOT QUALIFIED PRODUCT POLICY 20 AND WHO APPEAR IN THE CURRENT EDITION OF SCDOT QUALIFIED PRODUCTS LIST 20.
- ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
- ALL RADII SHALL BE 5' (F.O.C.) UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL ESTABLISH AND VERIFY POINT OF BEGINNING (P.O.B.) AND STAKE SITE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOTIFY TIMMONS IMMEDIATELY OF ANY DISCREPANCIES.
- ALL DIMENSIONS ARE TO FACE OF CURB OR CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DETAILS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
- ALL SIDEWALKS SHALL BE MINIMUM 5'-0" UNLESS OTHERWISE NOTED.
- PARKING SPACE DIMENSIONS ARE 18'-0" X 9'-0" WIDE UNLESS OTHERWISE NOTED.
- NO OBSTRUCTION OF PUBLIC R/W OR SIDEWALK WILL BE ALLOWED. NO PARKING IS ALLOWED OVER PUBLIC SIDEWALKS.
- NO DEMOLITION LANDFILLS ALLOWED ON SITE.
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- IN ORDER TO ASSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
- SUBSURFACE DRAINAGE FACILITIES MAY BE REQUIRED IN THE STREET RIGHT-OF-WAY IF DEEMED NECESSARY BY THE INSPECTOR.
- ALL UTILITIES WILL BE UNDERGROUND.
- OFF-SITE CONSTRUCTION OR GRADING REQUIRES A LETTER FROM THE AFFECTED PROPERTY OWNER GRANTING PERMISSION.
- EXISTING WELLS SHALL BE CLOSED ACCORDING TO SCDHEC STANDARD PROCEEDURES.
- DEMOLITION PERMITS ARE REQUIRED FOR ANY STRUCTURE ON THE PROPERTY PRIOR TO CONSTRUCTION.
- DUMPSTER ENCLOSURE, MECHANICAL EQUIPMENT, AND UTILITY BORES SHALL BE SCREENED FROM VIEW FROM ALL ADJACENT PARCELS, RESIDENTIAL USE DISTRICTS AND PUBLIC R/W'S.

### TRAFFIC NOTES

- SIGHT DISTANCE VISIBILITY AT ALL ENTRIES/EXITS WILL BE MAINTAINED IN ACCORDANCE WITH SCDOT'S ACCESS AND ROADSIDE MANAGEMENT STANDARDS MANUAL.
- ALL TRAFFIC CONTROL DEVICES WILL BE TO MUTCD STANDARDS (MANUAL OR UNIFORM TRAFFIC CONTROL DEVICES).

### ADA NOTES

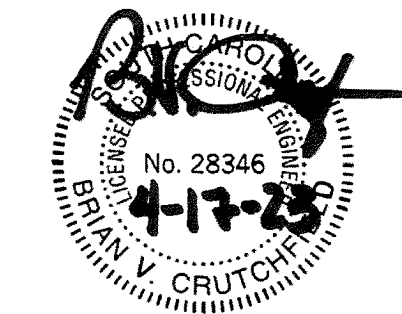
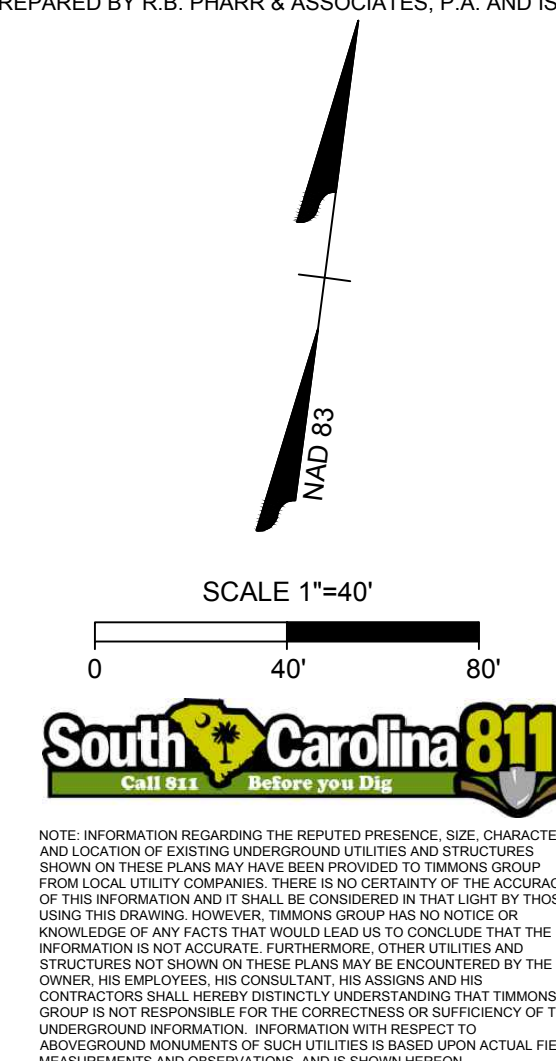
- THE PUBLIC RIGHT OF WAY MUST REMAIN ADA COMPLIANT DURING CONSTRUCTION OR AN ALTERNATIVE ROUTE MUST BE PROVIDED.
- ALL ACCESS POINTS TO BUILDING ARE PLANNED TO BE ADA COMPLIANT.
- MINIMUM 98-INCH VERTICAL CLEARANCE MUST BE PROVIDED AT ADA VAN PARKING SPACE, ACCESS AISLE, AND ON VEHICULAR ROUTE TO AN FROM VAN SPACE.

### SPECIAL LIGHTING NOTES

- LIGHTING SHALL BE SHIELDED AND INSTALLED TO MINIMIZE GLARE ON ADJACENT PROPERTIES.
- SIGNAGE TO BE PLACED ON DUMPSTER GATES DESIGNATING THAT NO PARKING WILL BE ALLOWED IN FRONT OF DUMPSTER.

### SURVEY NOTES

- THE ALTAIRNS LAND TITLE SURVEY HAS BEEN PREPARED BY R.B. PHARR & ASSOCIATES, P.A. AND IS DATED APRIL 4, 2023.



THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
610 E. Wackerdr. | Charlotte, NC 28202  
TEL 704.602.8600 | FAX 704.376.1076 | www.timmons.com  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

| DATE       | REVISION DESCRIPTION   |
|------------|------------------------|
| 04/17/2023 |                        |
|            | DRAWN BY<br>J.DOLAN    |
|            | DESIGNED BY<br>J.DOLAN |
|            | CHECKED BY<br>J.DOLAN  |
|            | SCALE<br>1" = 40'      |

# TIMMONS GROUP

TOMMY'S EXPRESS CAR WASH  
LANCASTER COUNTY, SOUTH CAROLINA  
CONDITIONAL SITE PLAN

JOB NO.  
**58654**

SHEET NO.  
**CSP1.0**

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Lancaster County  
Planning Department  
P. O. Box 1809  
Lancaster, SC 29721  
803.285.6005  
planning@lancastercountysc.net

June 12, 2023

Jason Dolan  
Timmons Group

Charlotte, NC

|                       |                          |
|-----------------------|--------------------------|
| <b>Project Number</b> | 20230695                 |
| <b>Project Name</b>   | Tommy's Express Car Wash |
| <b>Location</b>       | 168 Fort Mill Highway    |
| <b>Stage</b>          | Conditional Use          |
| <b>Parcel(s)</b>      |                          |
| <b>Status</b>         | Not Approved             |

Dear: Jason Dolan

We have completed our review of the plan identified above. The comments listed on the attached report must be addressed and revised plans submitted with a response letter.

If the attached comments require changes to the plans, please submit the requisite number of sets, along with a pdf of the plan set on a CD, to the Lancaster County Planning Department.

Once revised plans are received, they will be submitted to staff for review.

\*Please be aware that plans will not be routed for review without a response letter\*

Sincerely,

## Plan Review Comments

**County Engineer - Stephen Blackwelder - 8035482406**  
**sblackwelder@lancastersc.net**

**Not Approved**

**Review Comments:**

General Comments:

1. The preliminary nature of this plan does not provide adequate detail to formally comment, but the following are items of note from the information given. More detailed comments will be forthcoming during the civil plan review.
2. The project is within the Panhandle Highway Corridor Overlay District.
3. A Traffic Impact Analysis (TIA) (or a letter from a Traffic Engineer certifying that less than 50 cumulative peak hour trips will be generated) will be required for this project. Any recommended traffic improvements on site and off site will need to be adhered to.
4. All BMP ponds will need an access area at least 10' wide. This access can be at a slope not greater than 4(H) to 1(V) for maintenance equipment to get to the pond.
  - a. The BMP pond should be adequately sized to meet the requirements for the total expected developed conditions for the project
5. If there is a well on this site, it must be closed according to SC DHEC standard procedures for closing wells.
6. The internal curb radius from the pay station area toward the wash tunnel looks very tight. It scales at about 11.5 feet.
7. Is SCDOT okay with a full access driveway from this site? SCDOT Encroachment permit will be needed. The driveway will need to align with the existing Lowes Home Improvement drive across SC 160.
8. Have you considered angled vacuum stalls to make access and traffic flow better?
9. The parking spaces for the future building (office) are called out to be 9' X 18'. They must be at least 9'-6" wide.

**Fire Marshal - John Magette - 8032838888**  
**jmagette@lancastersc.net**

**Not Approved**

**Review Comments:**

1. This is a review for the conditional use only. A more detailed review will be completed at civil submission.
2. All dead end fire apparatus access roads must have an approved turn around. See IFC Appendix D for a list of approved turnarounds. The shown turnaround will not be approved.
3. All buildings must be within 500 feet of a fire hydrant, measured as an apparatus would lay hose.
4. Use the attached turning report to provide an auto turn exhibit showing how a fire apparatus can negotiate turns

**LC Water & Sewer District - Erin Evans - 8032856919**  
**eevans@lcwasd.org**

**No Review Done**

**Review Comments:**

LCWSD is a separate entity from the County. We have our own submittal requirements. Please check our website, [www.lcwasd.org](http://www.lcwasd.org), under the Developers tab for our policies and procedures.

The developer must submit 2 sets of hard copy water and sewer plans directly to LCWSD, adhering to the LCWSD Water & Wastewater Extension Policy.

**SCDOT - David Gamble - (803) 385-4280**  
**GambleDD@scdot.org**

**Approved**

**Review Comments:**

Driveway ingress and egress must align with the access across the street.

Restriping of SC160 will be evaluated during the encroachment permit process.

This review is a general access location review only and does not include required driveway widths, radius returns, pavement design or any other details.

**Planning - Matthew Blaszyk - 803-285-6005**  
**[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net)**

**Not Approved**

**Review Comments:**

- Will the site be phased or will both the carwash and office building/parking lot be built at the same time?
  - The required wall located along the drive through is not shown on the plan.
  - The distance from the property line to the proposed monument sign needs to be shown on the plan.
  - The entrance still does not seem to be centered with the Lowe's entrance across the street.
  - Will the parking area with vacuum stalls be gated?
  - o Parking lot for office building still lacks required landscaping.
  - Required bike parking missing on plan. 1 per 10,000 SF of gross floor area, 3 minimum. UDO 7.2.6.
  - Please mark the existing well on the site plan.
  - Please show the calculations and mark the area for the required 10% open space on the plan. This area cannot include any area within a floodplain or stormwater BMP zone.
-



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|                                 |                                                                                                                                                                                               |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b>                | Conditional Use Application to Permit: Minor Maintenance & Repair (Auto)                                                                                                                      |
| <b>PROPERTY LOCATION:</b>       | 168 Fort Mill Highway (TM# 0008-00-007.00).                                                                                                                                                   |
| <b>CURRENT ZONING DISTRICT:</b> | General Business (GB); Highway Corridor Overlay District                                                                                                                                      |
| <b>APPLICANT:</b>               | TIL Holdings of Texas<br>The Timmons Group<br>George McGinn and Sallie Cooper                                                                                                                 |
| <b>COUNCIL DISTRICT:</b>        | District #4, Jose Luis                                                                                                                                                                        |
| <b>STATUTORY NOTICES:</b>       | Signs posted 6/02/2023<br>Hearing notice published 6/03/2023 in The Lancaster News<br>Published 6/07/2023 in Carolina Gateway<br>Mailed notices 6/02/2023<br>Posted agenda in lobby 6/13/2023 |

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## **OVERVIEW & BACKGROUND:**

### ***Site Information***

This property is located at 168 Fort Mill Highway, directly across from the Lowe's Hardware Store. There is an existing nonconforming residence that is located on the property that will be removed if this project is approved and receives a permit. The proposed Conditional Use is to allow the use of a car wash on the parcel. Access is available via Fort Mill Highway.

The property was rezoned from MX to GB earlier this year see (Ordinance No. 2023-1839). A car wash falls under the "Vehicle Service, Minor Maintenance and Repair" category of Lancaster County's Unified Development Ordinance (UDO). This use is required to go through the conditional use process under the currently adopted UDO (2.5.3).

This site would be located 0.25 miles from the Car Wash at the existing Havoline Xpress Lube located at 9759 Charlotte Hwy and 1 mile south of another existing car wash, a Sam's Xpress Car Wash at 10130 Charlotte Hwy. Each of these car washes are of similar design to the proposed site.

Staff is also aware of two conditional uses that were approved by County Council in April and May. A Tidal Wave Auto Spa (carwash) and Valvoline Oil Change facility. Both uses are considered the same use type under "Vehicle Service, Minor Maintenance and Repair" and are located adjacent to each other in Indian Land at the US 521 and Doby's Bridge Road intersection.

### ***Current Proposal & Project Overview***

The applicant is seeking a conditional use permit to allow an car wash (minor maintenance and repair). The project consists of demolishing the existing nonconforming residence and constructing a "Tommy's Car Wash". The plan also includes a 5,000 square foot office building at the rear of the proposed site. An

original and several revised site plans have been submitted to staff for review. A revised plan was submitted to staff the night before the June Planning Commission Meeting. This last-minute submittal was the primary reason for the item being deferred to the July Planning Commission agenda.

***Summary of Surrounding Zoning and Uses***

| Surrounding Property | Zoning District   | Use                       |
|----------------------|-------------------|---------------------------|
| North                | Mixed Use         | Capital Club Apartments   |
| South                | Regional Business | Lowe's Shopping Plaza     |
| East                 | General Business  | Kushi World Bazar (Store) |
| West                 | Mixed Use         | Capital Club Apartments   |

**PHOTOS OF PROJECT AREA:**



*Current sidewalk and storm drain infrastructure on site.*



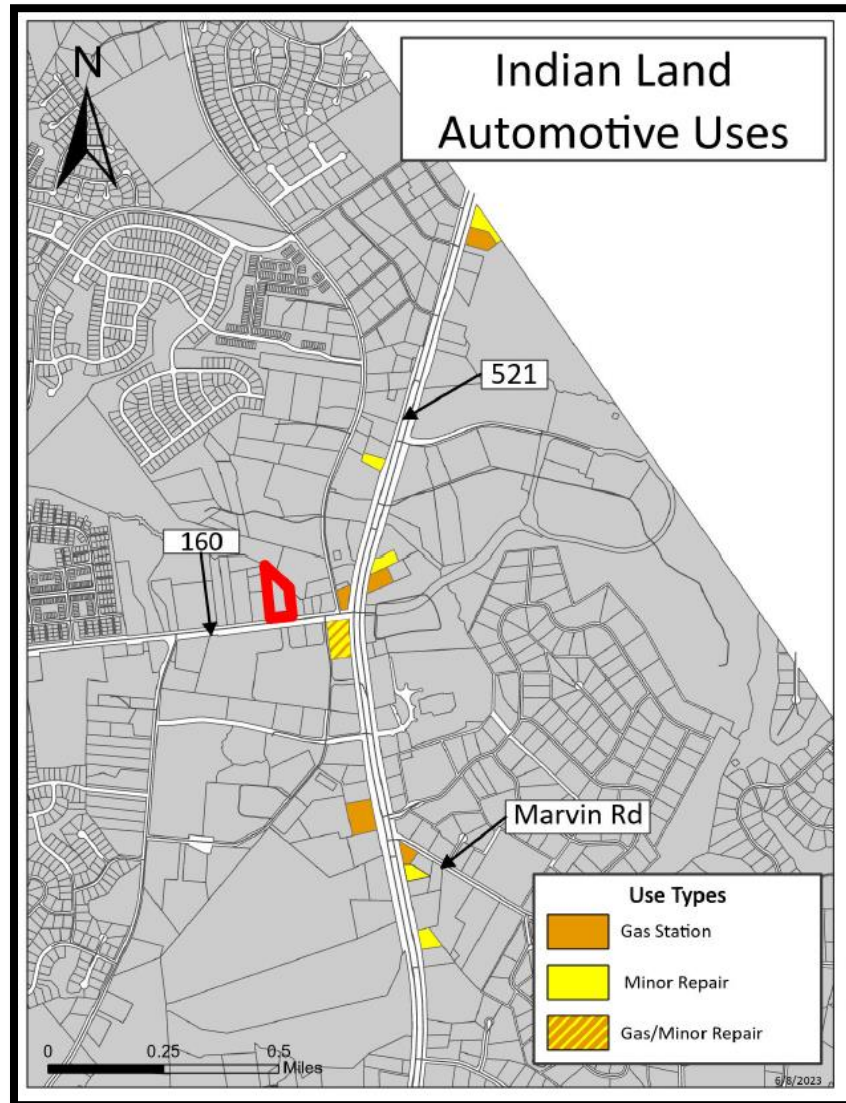
*State of existing structure on property.*

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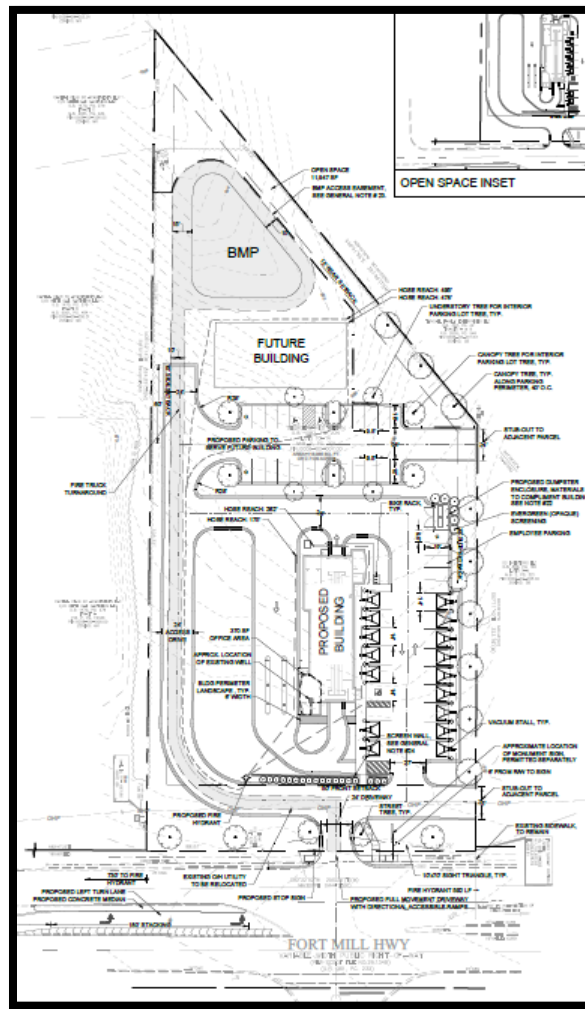


**Location to adjacent car washes and other minor maintenance and repair facilities.**

The proposed Tommy's Car Wash is located within one mile of 11 pre-existing minor maintenance and repair facilities. These include car washes, oil change facilities, and repair shops. The closest of these facilities is the Havoline Xpress Lube located across Fort Mill highway which is an oil/lube change facility and car wash. Below is a map that displays the minor maintenance and repair facilities within a one-mile radius of the site. The project site is outlined in red on the map.



**Revised site plan:**



*Proposed Site Layout*

The final revised site plan that was submitted for review has resolved all existing staff comments. A snippet of the plan is located above, and the full plan is attached in attachment 3.

SCDOT has stated that a TIA is not required for the site and recommended that the applicant to restripe the center striping into a left turn lane (LTL) into this site with roughly 150' of storage and a 75' taper. This has been depicted on the most recently revised site plan. SCDOT's comments can be found in attachment 5.

**Planning Commission Concerns**

During Planning Commissions June regular meeting and July workshop, commissioners voiced their concerns for placing a car wash roughly 730ft from the US 521 and SC 160 intersection with no right turn lane to access the site. Commissioners also voiced concerns for being able to take a left turn out of the site and cross five lanes of traffic. Planning Commission believes that these two factors could cause the

site to be prone to car accidents. The Planning Commission recommends a TIA for the proposed use admits indications that the applicant would be open to a right-in-right-out and/or added turn lane before the conditional use is approved.

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**APPLICABLE UDO PROVISIONS:**

**5.1.2. - CONDITIONAL USE (CU)**

- A.** Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B.** All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.
- C.** Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
- D.** Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

**5.8.6 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR [NB, GB, RB, LI, HI, MX, IMX]**

**A. Outdoor Vehicle Storage:** All outdoor storage of vehicles awaiting work or pick-up shall be screened by a Type C buffer in accordance with Section 7.1.5. No vehicles or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way. No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained.

**B. Vehicle Bays:** Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee (TRC).

**C. Noise:** No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8 PM and 7 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.

**D. Repair Work:** All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.

**E. Screening:** All boundaries of a property containing such uses that directly adjoin a Single-Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer.



**F. Accessory Structure Location:** Accessory structures such as self-service vacuum cleaners, air pumps, and other self-service structures must be setback 50 feet from any residential use and 25 feet from any right-of-way.

**G. Fueling Islands:** Each drive-up fueling facility permitted under this title shall have off-street driveway stacking space that shall not inhibit or impede access to or from any parking space or drive.

**H. Lighting**

1. Canopy lighting fixtures shall be hidden inside a canopy so as not to be visible from offsite.
2. Freestanding lighting fixtures shall not exceed 15 feet in height if the use adjoins an existing residential district or residential lot. All light fixtures shall be cutoff luminaries that block the light source from off-site view.

**I. Car Wash Allowed as Accessory Use:** A one-bay car wash may be allowed as an accessory use. The car wash shall meet the setbacks for the principal use and not exceed 900 square feet in area. The car wash bay shall not be oriented toward the public right-of-way. Car washes are required to have operational recycled water systems where a minimum of 50 percent of water utilized is recycled.

**10.3 VEHICLE SERVICES—MINOR**

Facilities for the fueling, cleaning and servicing of automobiles, recreational vehicles, and other personal vehicles as a primary use. Examples include: gas stations; car washes (attended and self-service); car stereo and alarm system installers; detailing services; muffler and radiator shops; tire and battery sales and installation (not including recapping); and quick lube services. Such uses may include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of vehicle parts, food, and convenience items may be included as an incidental part of such uses.

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**STAFF Comments:**

The submitted plan fulfills the requirements of a conditional use application outlined in the Unified Development Ordinance.

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**ATTACHMENTS:**

1. Conditional Use Application
2. Location Map/ Zoning Map
3. Revised Site Plan
4. TRC/Evolve Comments
5. SCDOT Comments

**STAFF CONTACT:**

Matthew Blaszyk,  
Planner  
[mblaszyk@lancastersc.net](mailto:mblaszyk@lancastersc.net)  
803-416-9380

**From:** [Gamble, David D.](#)  
**To:** [Jason Dolan](#)  
**Cc:** [jbuseick@teamtommys.com](mailto:jbuseick@teamtommys.com)  
**Subject:** RE: 58654 Tommy's Express Car Wash  
**Date:** Thursday, July 6, 2023 12:03:04 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason,

The Department would not require a TIA for this site. We would recommend restriping the center striping into a left turn lane (LTL) into this site with roughly 150' of storage and a 75' taper. We would also request that a concrete median be constructed along the storage of the proposed LTL.

Thank you,

**David D. Gamble III, PE**

District Permit Engineer – District 4  
SC Department of Transportation  
803-385-4280 O | 803-581-0156 F  
[gambledd@scdot.org](mailto:gambledd@scdot.org)

1232 JA Cochran Bypass  
Po Box 130 Chester, SC 29706



*Safety 1<sup>st</sup> – Live By It!*  
*Let 'em Work, Let 'em Live!*

---

**From:** Jason Dolan <Jason.Dolan@timmons.com>  
**Sent:** Thursday, July 6, 2023 11:42 AM  
**To:** Gamble, David D. <GambleDD@scdot.org>  
**Cc:** [jbuseick@teamtommys.com](mailto:jbuseick@teamtommys.com)  
**Subject:** RE: 58654 Tommy's Express Car Wash

\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. \*\*\*

David,

Thank you for your time this morning and your offer to provide us with comments and feedback. Attached is our current site plan. Let me know if you have any questions.

**Jason Dolan, RLA**

*Sr Project Manager*

**TIMMONS GROUP** | [www.timmons.com](http://www.timmons.com)

610 East Morehead Street, Suite 250 | Charlotte, NC 28202

Office: 704.227.1563 | Fax: 704.376.1076

Mobile: 704.900.4945 [jason.dolan@timmons.com](mailto:jason.dolan@timmons.com)

***Your Vision Achieved Through Ours***

To send me files greater than 20MB click [here](#).

---

**From:** Jason Dolan

**Sent:** Thursday, July 6, 2023 7:32 AM

**To:** [gambledd@scdot.org](mailto:gambledd@scdot.org)

**Cc:** [jbuseick@teamtommys.com](mailto:jbuseick@teamtommys.com)

**Subject:** RE: 58654 Tommy's Express Car Wash

Mr. Gamble,

Following up again on my email below. Please advise if you have a few minutes for a call.

Thank you,

**Jason Dolan, RLA**

*Sr Project Manager*

**TIMMONS GROUP** | [www.timmons.com](http://www.timmons.com)

610 East Morehead Street, Suite 250 | Charlotte, NC 28202

Office: 704.227.1563 | Fax: 704.376.1076

Mobile: 704.900.4945 [jason.dolan@timmons.com](mailto:jason.dolan@timmons.com)

***Your Vision Achieved Through Ours***

To send me files greater than 20MB click [here](#).

---

**From:** Jason Dolan

**Sent:** Tuesday, June 20, 2023 11:00 PM

**To:** [gambledd@scdot.org](mailto:gambledd@scdot.org)

**Cc:** [jbuseick@teamtommys.com](mailto:jbuseick@teamtommys.com)

**Subject:** 58654 Tommy's Express Car Wash

Mr. Gamble,

I hope that you are doing well. We presented our project to the Lancaster County Commissioners

earlier this evening and there were several questions related to what we could do for our access to SC160.

You have previously reviewed the layout (attached) as part of the Conditional Use application that we made and had comments related to the alignment of the driveway (with Lowe's) and possible restriping of the roadway. We have not performed a TIA for this project yet but plan on doing so once we receive the CU approval from the County and school is back in session.

Several Commissioners brought up concerns with the driveway and the impact our project will have on the traffic flow. There were requests for a RI/RO driveway and the addition of a decel lane into our driveway. Our response was that those items would be evaluated during the SCDOT review however that wasn't sufficient and our project was deferred to July 18<sup>th</sup>.

Would you have time for a call to discuss our project so that we can understand what SCDOT may require for the driveway as we would like to provide an alternate driveway design with our resubmittal to the County?

Thank you,

**Jason Dolan, RLA**  
*Sr Project Manager*

**TIMMONS GROUP** | [www.timmons.com](http://www.timmons.com)  
610 East Morehead Street, Suite 250 | Charlotte, NC 28202  
Office: 704.227.1563 | Fax: 704.376.1076  
Mobile: 704.900.4945 [jason.dolan@timmons.com](mailto:jason.dolan@timmons.com)  
***Your Vision Achieved Through Ours***

To send me files greater than 20MB click [here](#).



S:\1045654-Tommy's Express Car Wash\DWG\Sheet\CD58654.C200 SITE.dwg | Printed on 7/6/2023 4:29 PM | by Jason Dolan

CAPITAL CLUB SC APARTMENTS LLC  
C/O WHITE OAK PARTNERS LLC  
D.B. 1470, PG. 279  
TRACT 2  
M.B. 2001, PG. 484  
PIN:0008-00-000.01  
ZONING: MX

CAPITAL CLUB SC APARTMENTS LLC  
C/O WHITE OAK PARTNERS LLC  
D.B. 1470, PG. 279  
TRACT 2  
M.B. 2001, PG. 484  
PIN:0008-00-000.01  
ZONING: MX

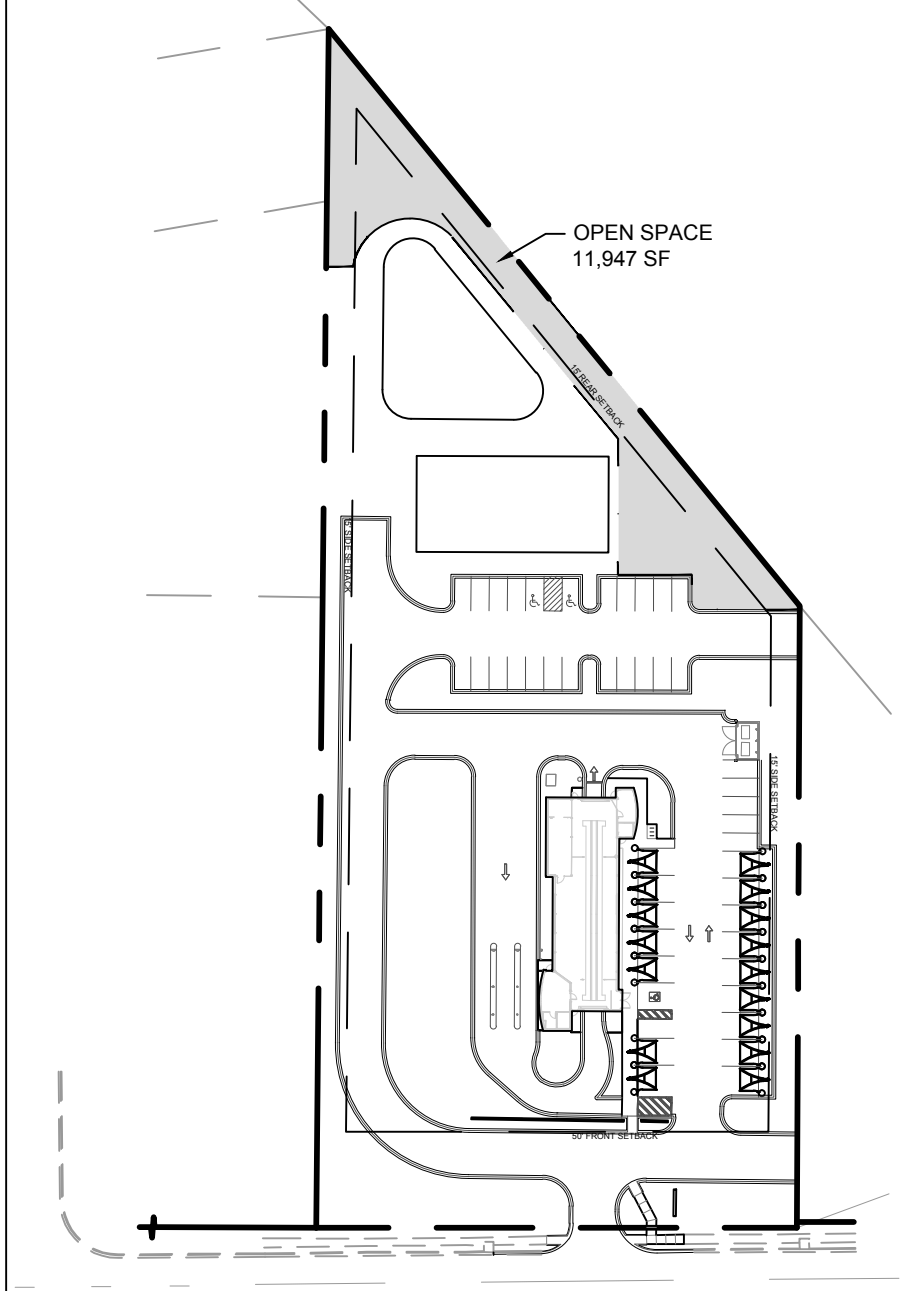
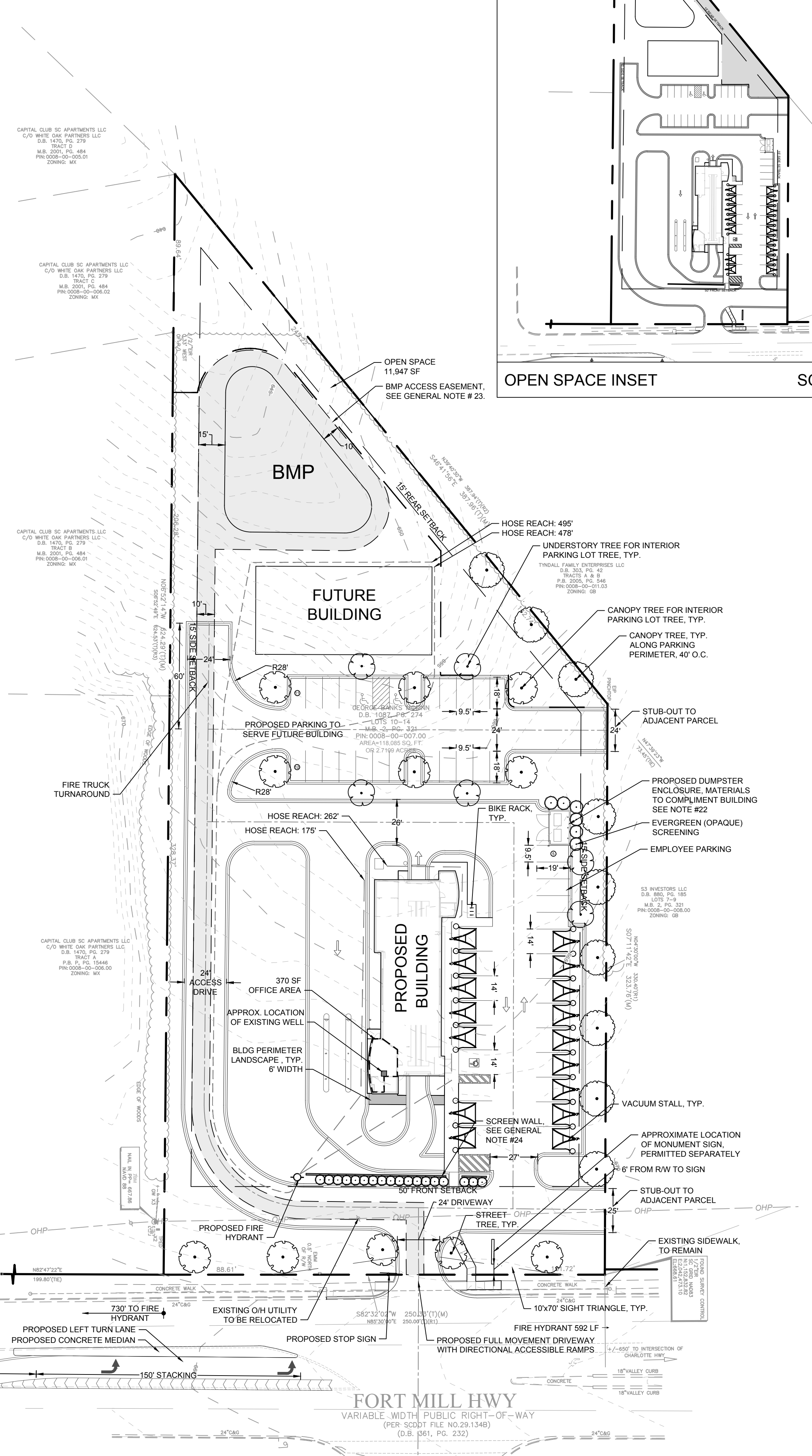
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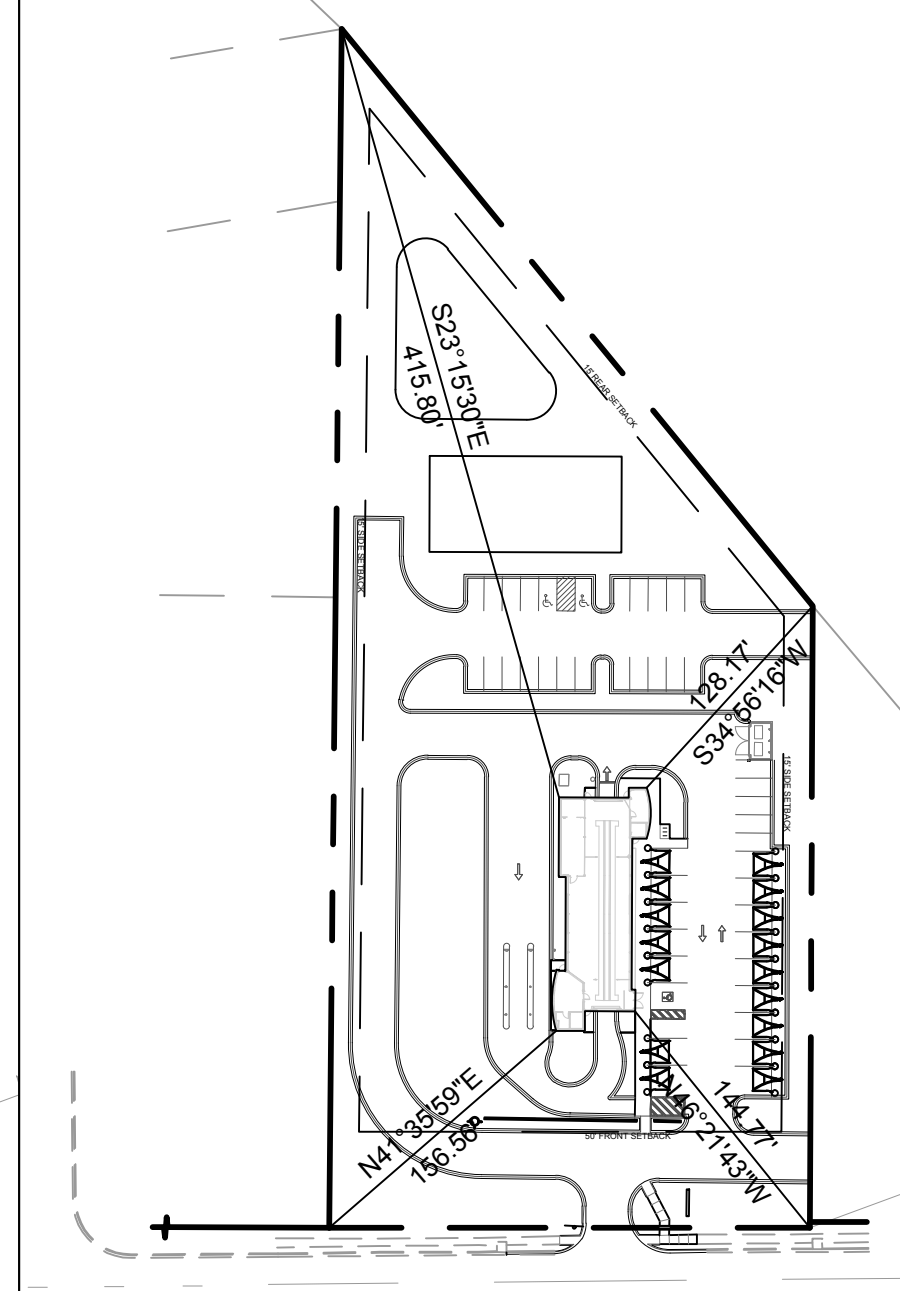
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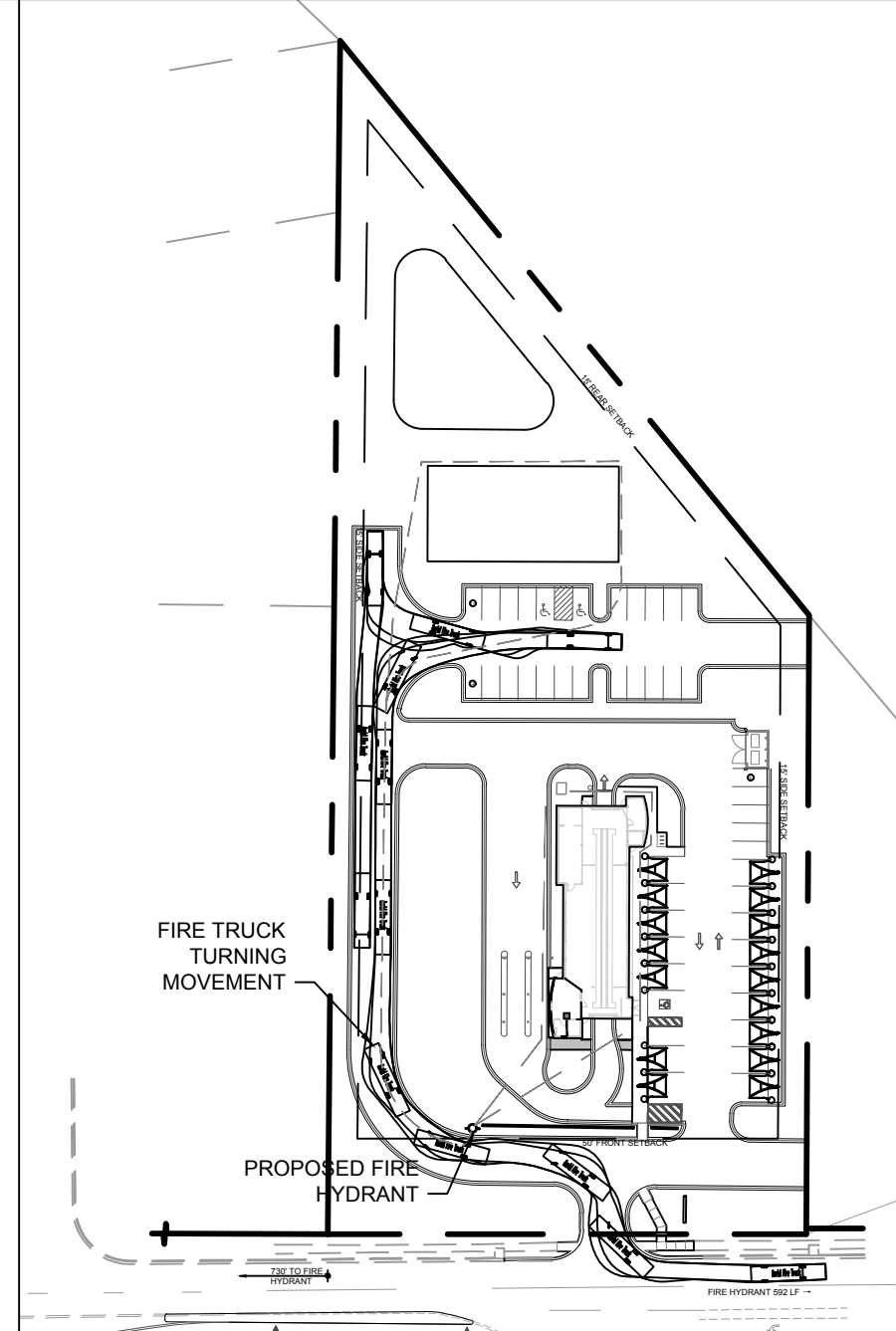
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TRACT 2  
M.B. 2001, PG. 484  
PIN:0008-00-000.01  
ZONING: MX



OPEN SPACE INSET SCALE: 1" = 80'



STAKING INSET SCALE: 1" = 80'



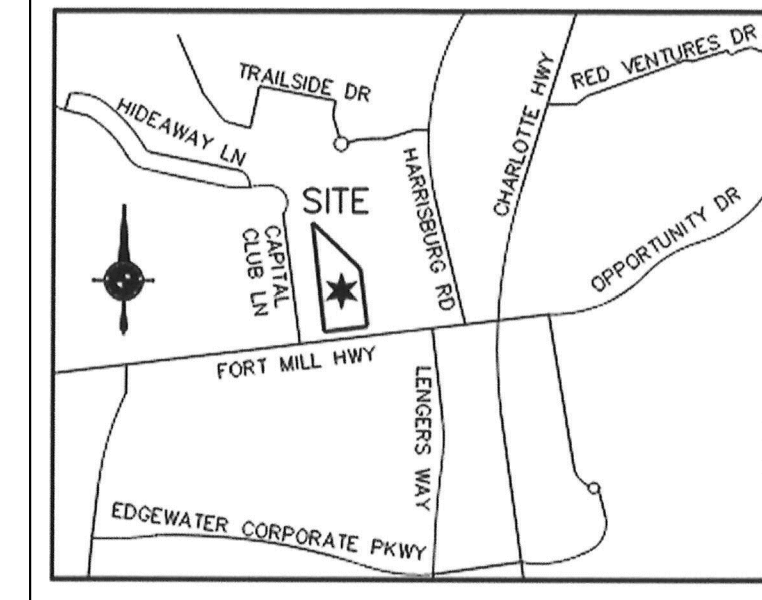
FIRE TRUCK MANEUVERING SCALE: 1" = 80'

### SITE SUMMARY

|                           |                                                     |
|---------------------------|-----------------------------------------------------|
| DEVELOPER:                | TIL HOLDINGS OF TEXAS, LLC                          |
| PROJECT NAME:             | TOMMY'S EXPRESS CAR WASH                            |
| TMS:                      | 0008-00-007.00                                      |
| ZONING:                   | GB                                                  |
| OVERLAY:                  | PANHANDLE HIGHWAY CORRIDOR OVERLAY DISTRICT (HOOD)  |
| LOT SIZE:                 | 2.7109 ACRES                                        |
| EXISTING USE:             | SINGLE FAMILY RESIDENTIAL                           |
| PROPOSED USE:             | CAR WASH (EXPRESS TUNNEL) AND OFFICE (FUTURE)       |
| BUILDING SIZE:            |                                                     |
| CARWASH:                  | 5,200 SQUARE FEET                                   |
| OFFICE (FUTURE):          | 5,000 SQUARE FEET                                   |
| SETBACKS:                 |                                                     |
| FRONT:                    | 50'                                                 |
| SIDE:                     | 15'                                                 |
| REAR:                     | 15'                                                 |
| MAX BUILDING HEIGHT:      | 35' (OR 3 STORIES, WHICHEVER IS GREATER)            |
| BUILDING HEIGHT:          | 28' - 0"                                            |
| PARKING - CAR WASH        | (5,200 SF TOTAL, 4,830 SF WASH AREA, 370 SF OFFICE) |
| REQUIRED:                 | 11 (1 SPACES/500 SF = 10.4 SPACES [5,200 / 500])    |
| PROVIDED:                 | 22 (INCLUDES 1 ACC. SPACE)                          |
| PARKING - OFFICE (FUTURE) |                                                     |
| REQUIRED:                 | 20 (1 SPACES/250 SF = 20 SPACES [5,000 / 250])      |
| PROVIDED:                 | 23 (INCLUDES 2 ACC. SPACE)                          |
| BUFFER YARDS:             | NOT REQUIRED (GB ADJACENT TO GB AND MX)             |
| OPEN SPACE                |                                                     |
| REQUIRED:                 | 11,809 SF (10% OF 118,087)                          |
| PROVIDED:                 | 11,947 SF                                           |

### IMPERVIOUS SUMMARY

|                     |                        |
|---------------------|------------------------|
| SITE ACREAGE:       | 118,084 SF (2.71 ACRE) |
| PROPOSED BUILDINGS: | 9,710 SF               |
| PROPOSED PAVEMENT:  | 55,693 SF              |
| FINAL BUA %:        | 55.4%                  |



VICINITY MAP NOT TO SCALE

### SITE PLAN LEGEND

|     |                       |     |
|-----|-----------------------|-----|
| --- | R/W, PROPERTY LINE    |     |
| --- | 1'-6" CURB AND GUTTER | -/- |
| +   | STOP SIGN             |     |
| +   | STREET SIGN           |     |
| +   | HEAVY-DUTY CONCRETE   | -/- |
| +   | CONCRETE              | -/- |
| +   | CONCRETE SIDEWALK     | -/- |

### GENERAL NOTES

- CONTRACTOR TO VERIFY EXISTING CONDITIONS AND DETERMINE IF THERE ARE ANY DISCREPANCIES FROM THE PLANS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO USE ARCHITECTURAL DRAWINGS FOR EXIST DIMENSIONS OF THE BUILDING.
- CONTRACTOR TO FOLLOW AND UTILIZE ALL LANCASTER COUNTY AND SCDOT TRAFFIC CONTROL GUIDELINES SET FORTH FOR ALL WORK PERFORMED IN THE RIGHT-OF-WAY. CONTRACTOR TO COORDINATE AND CALL FOR INSPECTIONS AS SPECIFIED IN THE PERMIT.
- CONTRACTOR IS TO CUT A CLEAN EDGE ALONG EXISTING PAVEMENT PRIOR TO TYING IN NEW DRIVE. NEW ASPHALT, BASE MATERIAL, AND PAVEMENT CONSTRUCTION METHODS SHALL MEET MINIMUM REQUIREMENTS OF LANCASTER COUNTY AND SCDOT.
- ALL TRAFFIC SIGNAGE AND STREET MARKINGS IN THE RIGHT-OF-WAY SHALL USE REFLECTIVE SHEETING THAT MEETS THE REQUIREMENTS OF ASTM D4958-09. OBTAIN SHEETING FROM MANUFACTURERS PREQUALIFIED IN ACCORDANCE WITH THE LANCASTER COUNTY AND SCDOT QUALIFIED PRODUCT POLICY 20 AND WHO APPEAR IN THE CURRENT EDITION OF SCDOT QUALIFIED PRODUCTS LIST 20.
- ALL DIMENSIONS ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
- ALL RADI SHALL BE 5' (F.O.C.) UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL ESTABLISH AND VERIFY POINT OF BEGINNING (P.O.B.) AND STAKE SITE AS INDICATED ON CONSTRUCTION DOCUMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION. NOTIFY TIMMONS GROUP IMMEDIATELY OF ANY DISCREPANCIES.
- ALL DIMENSIONS ARE TO FACE OF CURB OR CENTERLINE UNLESS OTHERWISE NOTED.
- ALL DETAILS SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
- ALL SIDEWALKS SHALL BE MINIMUM 5'-0" UNLESS OTHERWISE NOTED.
- PARKING SPACE DIMENSIONS ARE 18'-0" x 9'-5" WIDE UNLESS OTHERWISE NOTED.
- NO OBSTRUCTION OF PUBLIC R/W OR SIDEWALK WILL BE ALLOWED. NO PARKING IS ALLOWED OVER PUBLIC SIDEWALKS.
- NO DEMOLITION LANDFILLS ALLOWED ON SITE.
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- IN ORDER TO ASSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
- SUBSURFACE DRAINAGE FACILITIES MAY BE REQUIRED IN THE STREET RIGHT-OF-WAY IF DEEMED NECESSARY BY THE INSPECTOR.
- ALL UTILITIES WILL BE UNDERGROUND.
- OFF-SITE CONSTRUCTION OR GRADING REQUIRES A LETTER FROM THE AFFECTED PROPERTY OWNER GRANTING PERMISSION.
- EXISTING WELLS SHALL BE CLOSED ACCORDING TO SCDHEC STANDARD PROCEDURES.
- DEMOLITION PERMITS ARE REQUIRED FOR ANY STRUCTURE ON THE PROPERTY PRIOR TO CONSTRUCTION.
- DUMPSTER ENCLOSURE, MECHANICAL EQUIPMENT, AND UTILITY BORES SHALL BE SCREENED FROM VIEW FROM ALL ADJACENT PARCELS, RESIDENTIAL USE DISTRICTS AND PUBLIC R/W'S.
- THE BMP ACCESS EASEMENT SHALL BE A MINIMUM OF 10' IN WIDTH AND HAVE A SLOPE NOT GREATER THAN 4:1 FOR MAINTENANCE EQUIPMENT.
- WALL SHALL BE LOCATED TO PROVIDE SCREENING OF DRIVETHROUGH FROM HIGHWAY 160. WALL SHALL BE FINISHED WITH STACKED STONE FACADE AS STATED IN THE LANCASTER COUNTY UDO, SECTION 4.3.4.

### TRAFFIC NOTES

- SIGHT DISTANCE VISIBILITY AT ALL ENTRIES/EXITS WILL BE MAINTAINED IN ACCORDANCE WITH SCDOT'S ACCESS AND ROADSIDE MANAGEMENT STANDARDS MANUAL.
- ALL TRAFFIC CONTROL DEVICES WILL BE TO MUTCD STANDARDS (MANUAL OR UNIFORM TRAFFIC CONTROL DEVICES).

### ADA NOTES

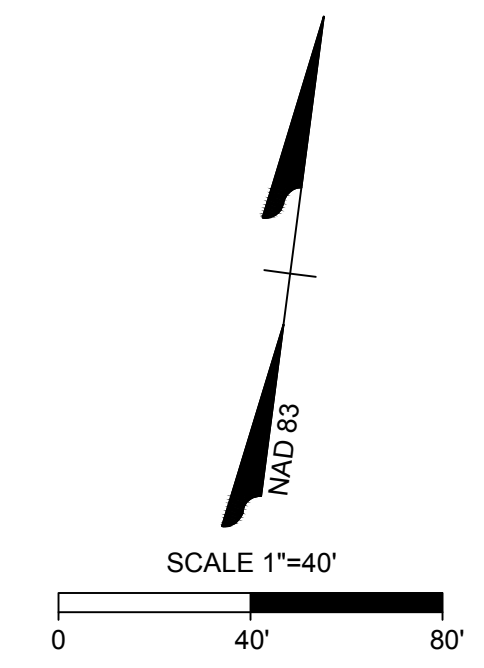
- THE PUBLIC RIGHT OF WAY MUST REMAIN ADA COMPLIANT DURING CONSTRUCTION OR AN ALTERNATIVE ROUTE MUST BE PROVIDED.
- ALL ACCESS POINTS TO BUILDING ARE PLANNED TO BE ADA COMPLIANT.
- MINIMUM 98-INCH VERTICAL CLEARANCE MUST BE PROVIDED AT ADA VAN PARKING SPACE, ACCESS AISLE, AND ON VEHICULAR ROUTE TO AN FROM VAN SPACE.

### SPECIAL LIGHTING NOTES

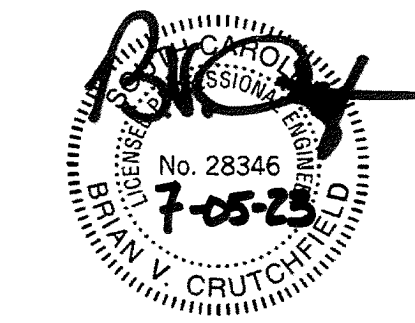
- LIGHTING SHALL BE SHIELDED AND INSTALLED TO MINIMIZE GLARE ON ADJACENT PROPERTIES.
- SIGNAGE TO BE PLACED ON DUMPSTER GATES DESIGNATING THAT NO PARKING WILL BE ALLOWED IN FRONT OF DUMPSTER.

### SURVEY NOTES

- THE ALTAINSIPS LAND TITLE SURVEY HAS BEEN PREPARED BY R.B. PHARR & ASSOCIATES, P.A. AND IS DATED APRIL 4, 2023.



NOTE: INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES SHOWN ON THESE PLANS MAY HAVE BEEN PROVIDED TO TIMMONS GROUP FROM LOCAL UTILITY COMPANIES. THERE IS NO CERTAINTY OF THE ACCURACY OF THE INFORMATION AND IT SHALL BE CONSIDERED BY THE USER THAT THOSE USING THIS DRAWING, HOWEVER, TIMMONS GROUP HAS NO NOTICE OR KNOWLEDGE OF ANY FACTS THAT WOULD LEAD US TO CONCLUDE THAT THE INFORMATION IS NOT ACCURATE. FURTHERMORE, OTHER UTILITIES AND STRUCTURES NOT SHOWN ON THESE PLANS MAY BE ENCOUNTERED BY THE OWNER, HIS EMPLOYEES, HIS CONSULTANT, HIS ASSIGNS AND HIS CONTRACTORS SHALL HEREBY HEREBY UNDERSTANDING THAT TIMMONS GROUP IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE UNDERGROUND INFORMATION. INFORMATION WITH RESPECT TO ABOVEGROUND MONUMENTS OF SUCH UTILITIES IS BASED UPON ACTUAL FIELD MEASUREMENTS AND OBSERVATIONS, AND IS SHOWN HEREON.



THIS DRAWING PREPARED AT THE  
**CHARLOTTE OFFICE**  
Charlotte, NC 28202  
610 E. Waddell  
TEL 704.602.8800 FAX 704.376.1076  
North Carolina License No. C-1652

YOUR VISION ACHIEVED THROUGH OURS.

| REVISION DESCRIPTION | DATE       |
|----------------------|------------|
|                      | 04/17/2023 |
| DRAWN BY             | J.DOLAN    |
| DESIGNED BY          | J.DOLAN    |
| CHECKED BY           | J.DOLAN    |
| SCALE                | 1" = 40'   |

# TIMMONS GROUP

## TOMMY'S EXPRESS CAR WASH

LANCASTER COUNTY, SOUTH CAROLINA

### CONDITIONAL SITE PLAN

JOB NO.  
**58654**

SHEET NO.  
**CSP1.0**

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# The Lancaster News

980 N Woodland Drive  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## **NOTICE OF PUBLIC HEARING** **Lancaster County Council**

A public hearing has been scheduled by the Lancaster County Council for Monday, August 14, 2023, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on **Resolution No. 1241-R2023 (Planning Department Case Number: CU-2023-0695)**, an ordinance titled **"A RESOLUTION TO APPROVE THE FAVORABLE RECOMMENDATION OF BOTH THE LANCASTER COUNTY PLANNING STAFF AND THE LANCASTER COUNTY PLANNING COMMISSION OF A CONDITIONAL USE APPLICATION TO PERMIT A MINOR MAINTENANCE AND REPAIR (AUTO) TO BE LOCATED UPON TAXMAP #0008-00-007.00, AT 168 FORTMILL HIGHWAY FOR THE PURPOSE OF DEVELOPING A CAR WASH."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to [ssimpson@lancastersc.net](mailto:ssimpson@lancastersc.net), or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on July 26<sup>th</sup> 2023.

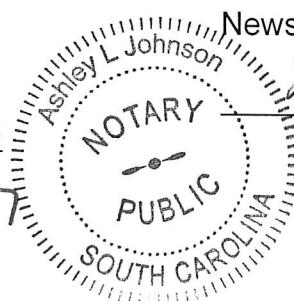
SWORN to before me this 26<sup>th</sup> day of July, 2023

Ashley L. Johnson  
Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature

Kristi Ross





## Agenda Item Summary

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Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 8/14/2023

**Council Action Requested:**

Whether to appoint Mike Fulkerson to the Recreation Advisory Board as the District 7 representative. If appointed, he would be filling an unexpired term that would end on 06/30/2025.

Whether to appoint Dr. Zora Denson to the Historical Commission as an Advisor. If appointed, she would be replacing Alice Willis, who has regrettably resigned her appointment. She would be filling an unexpired term that would end on 06/30/2025.

Whether to appoint Silberio M. Francis, Sr., to the Community Relations Commission as the District 6 representative. If appointed, he would be serving his second four year term and this term would end on 06/30/2027.

Whether to appoint Ronald A. Schachtner, II, to the Fire Commission as the Flat Creek Fire Department representative. If appointed, he would be filling an unexpired term that would end on 06/30/2027.

**Points to Consider:**

Mike Fulkerson's, Dr. Zora Denson's and Silberio M. Francis' applications are attached for Council's review and consideration. I have also attached a letter from the Fire Commission recommending the appointment of Ronald A. Schachtner, II, for Council's review and consideration.

**Funding and Liability Factors:**

N/A

**Recommendation:**

Approve the appointments.

**ATTACHMENTS:**

| Description                                                                  | Upload Date | Type            |
|------------------------------------------------------------------------------|-------------|-----------------|
| Application from Mike Fulkerson for the Recreation Advisory Board            | 8/7/2023    | Backup Material |
| Application from Dr. Zora Denson as an Advisor to the Historical Commission  | 8/7/2023    | Backup Material |
| Application from Silberio Francis Sr. for the Community Relations Commission | 8/9/2023    | Backup Material |
| Letter of Recommendation from the Fire Commission for Ronald Schachtner      | 8/7/2023    | Backup Material |

LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE

Name Mike Fulkerson County Council District 4

Mailing Address \_\_\_\_\_ City/Zip Indian Land 29707

Street Address \_\_\_\_\_ Registered Voter yes ☒ no ☐

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: \_\_\_\_\_

Occupation EHS Consultant Place of employment TRC Companies

Address Work from home Normal working hours 8am - 5pm  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Recreation Advisory Board 2nd choice Planning Commission

3rd choice \_\_\_\_\_

**Reason for interest**

Lancaster County is a great place to live and raise a family but with the current rate of growth we need additional resources dedicated to assure it continues to be a great place. I want to represent our growing area and help with guiding the Parks and Recreation Department in making sound decisions for all the communities it serves.

Currently our area is growing exponentially, but when compared to other areas around the state and region, I see that we are not equal in our parks and community green space.

**Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)**

I believe I'm qualified to serve on the board as I'm active in youth and adult sports in the community. Our family spends significant time outdoors taking advantage of local and regional parks and facilities. Being active in youth sports as a coach and parent, I hear from others on what is needed in the community. My working background in merger and acquisition due diligence provides an understanding of the business opportunities and how smart investment can provide substantial returns. I have a law degree that helps with understanding the underlying rules and regulations that are applicable to the County and development.

Do you presently serve any State, County or Municipal Boards? No If yes, list \_\_\_\_\_

Have you ever served on a county board? No If yes, list \_\_\_\_\_

Additional pertinent information

Applicant's signature

*Michael J Fulkerson*

Date

7/24/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

Form Revised 1-20-17



LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE



Name SILBERIO M. FRANCIS SR County Council District \_\_\_\_\_

Mailing Address \_\_\_\_\_ City/Zip LANCASTER, 29720

Street Address \_\_\_\_\_ Registered Voter yes \_\_\_ no \_\_\_

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: \_\_\_\_\_

Occupation RETIRED Place of employment \_\_\_\_\_

Address \_\_\_\_\_ Normal working hours \_\_\_\_\_  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Community Relation 2nd choice \_\_\_\_\_

3rd choice \_\_\_\_\_

Reason for interest

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

➤ Do you presently serve any State, County or Municipal Boards? NO If yes, list \_\_\_\_\_

➤ Have you ever served on a county board? yes If yes, list Community Relation

Additional pertinent information

Applicant's signature \_\_\_\_\_ Date 07-20-2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721  
Form Revised 1-20-17



**Lancaster  
County  
Fire Rescue**

PO Box 1809  
Lancaster, SC  
29721

Business Phone  
803-283-8888

Fax  
803-283-6333

E-mail  
LCFR@comporium.net



*Proud and Progressive*

Date: July 24, 2023  
To: Sherrie Simpson, Clerk to Council  
From: Darren C. Player, Director *DCP*  
Subject: Fire Commission Member for 2023-2027

The Lancaster County Fire Commission respectfully submits one (1) new member, named below, for approval by the Lancaster County Council.

Flat Creek Fire Department  
Ronald A. Schachtner, II

If you have questions or need any additional information, please contact our office.

DCP/awm