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

May 13, 2024 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

AGENDA

1. **Call to Order Regular Meeting - Vice-Chair Brian Carnes**
2. **Welcome and Recognition - Vice-Chair Brian Carnes**
3. **Pledge of Allegiance and Invocation - Council Member Jose Luis**
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@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.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. *Please note that any handouts presented to Council or Council Boards and Commissions become an official part of the record and a copy is attached to the legal minutes for the meeting.]
6. **Special Presentations**

   a. Lancaster County Traffic Calming Program Update - Jeff Catoe, Public Services Director, and Phil Leazer, KCI Technologies
7. **Consent Agenda**

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

a. Approval of Minutes from the April 10, 2024 County Council Budget Workshop

b. Approval of Minutes from the April 17, 2024 County Council Budget Workshop

c. Approval of Minutes from the April 22, 2024 County Council Regular Meeting

d. Approval of Minutes from the April 24, 2024 County Council Budget Workshop

8. Non-Consent Agenda

a. Resolution 1260-R2024 regarding Establishing the Local Option Sales Tax Credit Factor

Resolution Title: A Resolution Establishing The Local Option Sales Tax Credit Factor For The 2024 Tax Year. ***- Dennis Marstall/Suzette Murphy***

b. Public Hearing and 3rd Reading of Ordinance 2024-1904 regarding Amending the Fiscal Year 2023-2024 Budget regarding a Departmental Budget Transfer

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. ***- Passed 7-0 at the April 8, 2024 County Council Meeting. Passed 7-0 at the April 22, 2024 County Council Meeting. - Sabrena Harris***

c. Public Hearing and 2nd Reading of Ordinance 2024-1897 regarding Adding Property to the Edgewater II Improvement District

Ordinance Title: An Ordinance To Add Certain Property To The Edgewater II Improvement District; And To Provide For Other Matters Relating Thereto ***- Passed 7-0 at the April 22, 2024 County Council Meeting. - Dennis Marstall / Michael Seezen***

d. 2nd Reading of Ordinance 2024-1899 regarding Amending the Lancaster County Code Relating to Personnel Policies

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Specifically Chapter 2, Article IV, Relating To The Lancaster County Personnel Policy. ***- By a Vote of 6-0, 1st Reading Postponed (Allen Blackmon Absent). Passed 7-0 at the April 22, 2024 County Council Meeting. - Dennis Marstall / Ginny Merck-Dupont***

e. 2nd Reading of Ordinance 2024-1893 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 2 and Amending Nonmetallic Mineral Product Manufacturing from Permitted with Review to a Conditional Use

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2 To Amend "Nonmetallic Mineral Product Manufacturing" From A Use Permitted With Review (PR) To A Conditional Use, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein ***- Passed 7-0 at the February 12, 2024 County Council Meeting. - Allison Hardin***

f. Public Hearing and 1st Reading of Ordinance 2024-1905 regarding Rezoning Property Located at 1540 Old Pardue Road from Low Density Residential (LDR) District to Rural Residential (RR) District (Applicant Peter Sites)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 46.883 Acres (TM# 0050-00-038.02), Which Is Located At 1540 Old Pardue Rd, From Low Density Residential (LDR) District To Rural Residential (RR) District ***- Planning Department Case Number: RZ-2024-0342. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. - Allison Hardin***

g. 1st Reading of Ordinance 2024-1906 regarding a Proposed Transportation Sales Tax

Ordinance Title: An Ordinance To Levy And Impose A One Percent Sales And Use Tax, Subject To A Referendum, Within Lancaster County Pursuant To Section 4-37-30 Of The Code Of Laws Of South Carolina 1976, As Amended; To Define The Specific Purposes And Designate The Projects For

Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For Which Such Tax May Be Imposed; To Provide The Estimated Cost Of The Projects Funded From The Proceeds Of The Tax; To Provide For A County-Wide Referendum On The Imposition Of The Sales And Use Tax And The Issuance Of General Obligation Bonds And To Prescribe The Contents Of The Ballot Questions In The Referendum; To Provide For The Conduct Of The Referendum By The Board Of Elections And Voter Registration Of Lancaster County; To Provide For The Administration Of The Tax, If Approved; To Provide For The Payment Of The Tax, If Approved; And To Provide For Other Matters Relating Thereto. ***- Dennis Marstall / Frannie Heizer***

h. 1st Reading of Ordinance 2024-1907 regarding an Amendment to the Fiscal Year 2024 Budget Relating to the Purchase of a Bulldozer

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. ***- Sabrena Harris***

9. Discussion and Action Items

a. Approval of Appointment to the Van Wyck Fire Protection District Fee Board

- Monty King to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a four year term that would expire on 06/30/2027 (2nd Term)

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

a. HOLD - 2nd Reading of Ordinance 2024-1896 regarding Amending the Unified Development Ordinance (UDO) related to the Removal of "Amusement, Indoor" and "Amusement, Outdoor" From the Use List for Light Industrial (LI) Districts

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2, Section 5 Use Table, To Remove The Uses "Amusement, Indoor" And "Amusement, Outdoor" From The Use List For Light Industrial (LI) Districts, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein ***- Passed 4-3 at the March 11, 2024 County Council Meeting (Brian Carnes, Steve Harper, and Jose Luis Opposed). - Allison Hardin***

b. HOLD - 1st Reading of Ordinance 2024-1898 regarding Amending the Lancaster County Code Relating to Parliamentary Procedures / Rules of Procedure for Meetings

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Relating To Parliamentary Procedures/Rules Of Procedure For Council Meetings, Including Committee Meetings, And All Boards And Commissions For Which County Council Appoints A Majority Of Members. ***- By a Vote of 6-0, 1st Reading Postponed (Allen Blackmon Absent). - Dennis Marstall / Ginny Merck-Dupont***

11. Miscellaneous Reports and Correspondence

12. Executive Session

[motions from Members may follow]

a. Three Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Tree.

2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the Riverchase Development Agreement.

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

13. Items Requiring a Vote Following Executive Session

14. Adjournment

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

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

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Jeff Catoe / Public Works
Department: Public Works
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Receive an update on the traffic calming program since its inception.

Strategic Plan Focus Area Alignment:

Public Safety
Become a national model of actionable information sharing among the community, public safety partners, and within County operations.

Points to Consider:
On March 9, 2021, County Council adopted a traffic calming program, with a high volume of requests for traffic calming on County roads being presented in 2022, near the end of COVID pandemic.

The County has done 25 traffic calming studies, generated at the request of Neighborhood associations, residents, or County Staff. Of the 25 studies, three roads are determined to meet the criteria of the program..

Staff will present a powerpoint detailing the requests for traffic calming study and the results.

Funding and Liability Factors:
The County pays for the initial traffic calming requests (approximately $5,000.00 per study) and then the HOA/property owners fund any installation if the study passes.

Recommendation:
Receive program update and provide feedback.

ATTACHMENTS:

Description	Upload Date	Type
Power Point Presentation for Traffic Calming	5/10/2024	Presentation

Lancaster County
South Carolina



LANCASTER COUNTY TRAFFIC CALMING PROGRAM

2024 Update

Jeff Catoe, Public Services Director
Phil Leazer, KCI Technologies

May 13, 2024

Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- Agenda
  - What is Traffic Calming
  - Brief overview of the traffic calming program
  - Specific traffic calming neighborhood work
  - Results
  - Next Steps

Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- Why are we talking about Traffic Calming:
  - Neighborhoods are getting bigger and more densely populated
  - Growing number of speeding complaints within neighborhoods
  - Enforcement is helpful but the Sheriff's Office cannot be there all the time

Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- What is Traffic Calming

Institute of Transportation Engineers (ITE) defines traffic calming as:

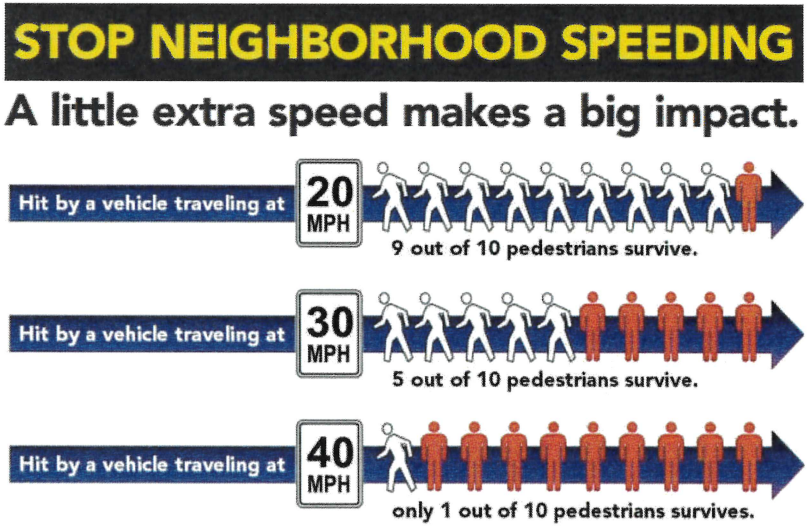
"The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users".

4

Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- What is Traffic Calming
  - Purpose:
    - Make the driver aware of their surroundings
    - Encourage lower speeds along street
    - Increase safety for all users
  - Solutions:
    - Education
    - Enforcement
    - Engineering (i.e., physical solutions)



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Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- Traffic Calming Program Timeline
  - March 9, 2021 Council adopted the program
  - 2021 COVID Pandemic Hits
  - 2022 Traffic Calming Program starts picking up momentum
  - 2023 Program is in full swing

Traffic Calming Program Criteria

- Road speed must exceed 85th percentile of speed greater than 10 miles over limit
- Traffic flow and impact of side streets

Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- Niven Road
- Yellow Springs Road #1
- Gilroy Drive #1
- Yellow Springs Road #2
- Gilroy Drive #2
- Yellow Springs Road #3
- Vine Street (Autobon Development)
- Regent Park (curved section)
- Regent Park (straight section)
- Castle Drive #1 (Queensbridge Development)
- Castle Drive #2 (Queensbridge Development)
- Halifax Drive (Retreat at Rayfield)
- Dunlin Drive (Autobon Development)
- Cornell Drive (Retreat at Rayfield)
- Bridgehampton Club Drive
- Shinnecock Lane
- Hiddenbrook Way
- Lakeview Landing (Point Carpenter Road)
- BridgeMill Drive (BridgeMill Development)
- Yellow Springs #4
- Rosemont Drive #2
- Bethpage Drive (Sun City)
- Harcourt Crossing (BridgeMill Development)
- Yellow Springs (re-evaluation – no count taken)
- Reynolds Drive (BridgeMill Development)

25 Studies have been completed to date

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Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- **Niven Road**
- Yellow Springs Road #1
- Gilroy Drive #1
- Yellow Springs Road #2
- Gilroy Drive #2
- Yellow Springs Road #3
- Vine Street (Autobon Development)
- Regent Park (curved section)
- Regent Park (straight section)
- Castle Drive #1 (Queensbridge Development)
- Castle Drive #2 (Queensbridge Development)
- Halifax Drive (Retreat at Rayfield)
- Dunlin Drive (Autobon Development)
- Cornell Drive (Retreat at Rayfield)
- Bridgehampton Club Drive
- Shinnecock Lane
- Hiddenbrook Way
- **Lakeview Landing (Point Carpenter Road)**
- BridgeMill Drive (BridgeMill Development)
- Yellow Springs #4
- **Rosemont Drive #2**
- Bethpage Drive (Sun City)
- Harcourt Crossing (BridgeMill Development)
- Yellow Springs (re-evaluation – no count taken)
- Reynolds Drive (BridgeMill Development)

3 of these studies qualified for the Program

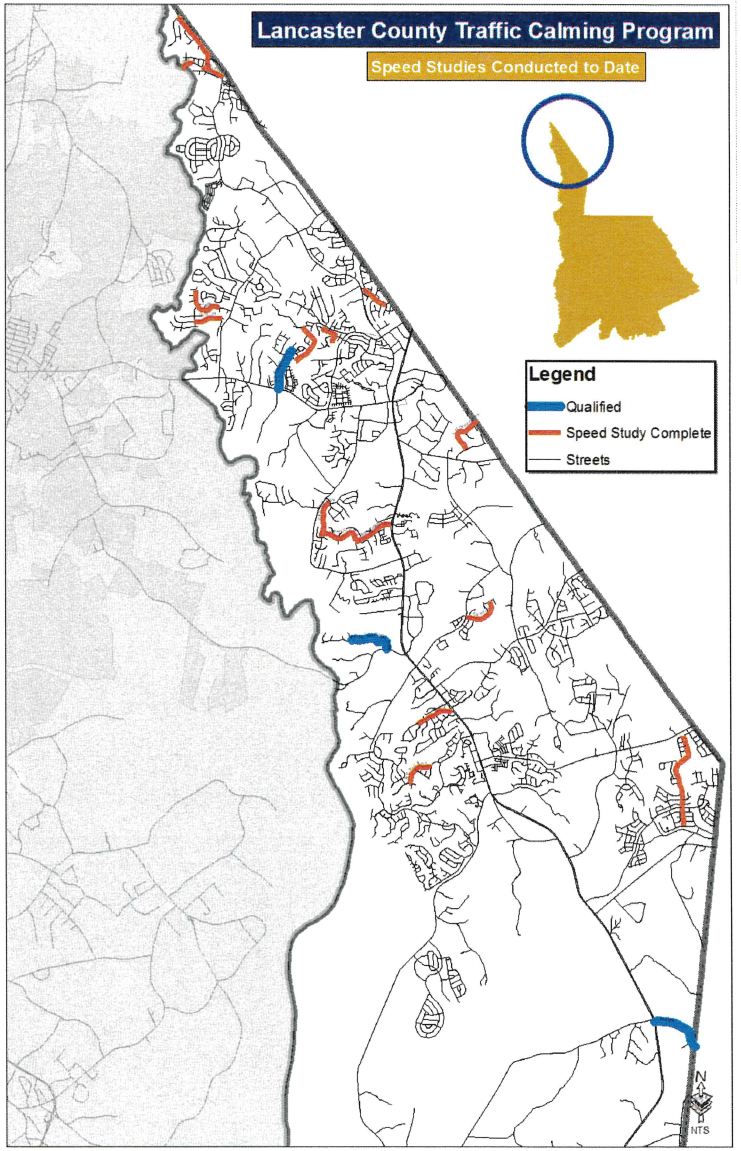
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Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- **Niven Road**
- Yellow Springs Road #1
- Gilroy Drive #1
- Yellow Springs Road #2
- Gilroy Drive #2
- Yellow Springs Road #3
- Vine Street
- Regent Park (curved section)
- Regent Park (straight section)
- Castle Drive #1/Castle Drive #2
- Halifax Retreat at Rayfield
- Dunlin Drive
- Cornell Drive
- Bridgehampton Club Drive
- Shinnecock Lane
- Hiddenbrook Way
- **Point Carpenter Road**
- BridgeMill Drive
- Yellow Springs #4
- **Rosemont Drive #2**
- Bethpage Drive
- Harcourt Crossing
- Yellow Springs
- Reynolds Drive

NOTE: East Park Drive is having a speed study done now.



Lancaster County
South Carolina

LANCASTER COUNTY TRAFFIC CALMING PROGRAM

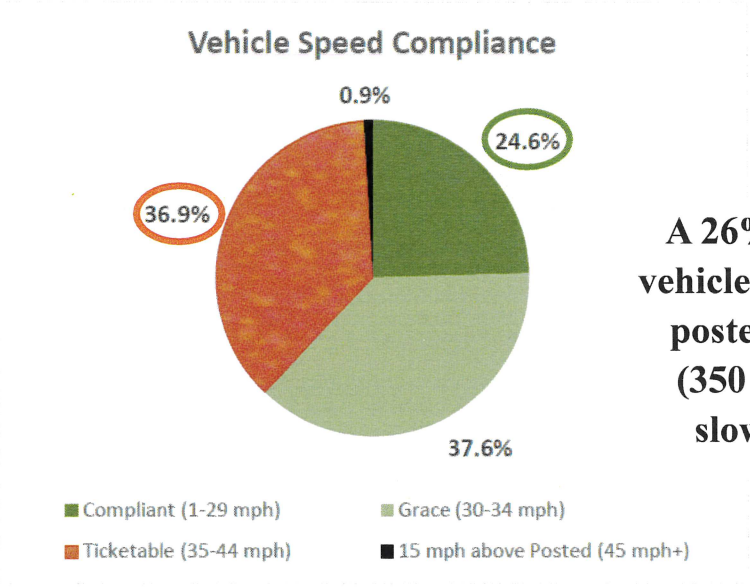
- Niven Road
  - First roadway to qualify for the Program
  - 85 percentile speeds was 48 mph
  - The highest speed captured was 77 mph



Lancaster County
South Carolina

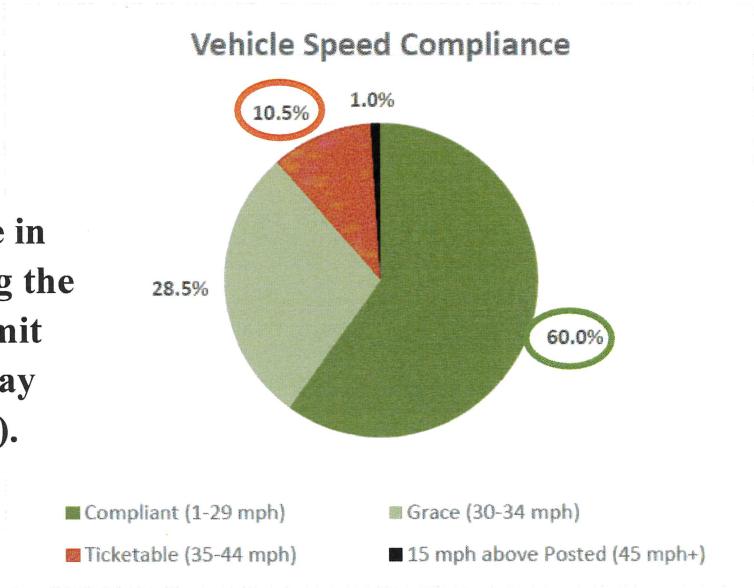
LANCASTER COUNTY TRAFFIC CALMING PROGRAM

- Niven Road



Niven Road before Speed Humps

A 26% decrease in vehicles exceeding the posted speed limit (350 cars per day slowing down).



Niven Road after Speed Humps

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LANCASTER COUNTY
South Carolina

Traffic Calming Program

Questions



13

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration
Department: County Clerk
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Approve or amend the minutes from the April 10, 2024, County Council Budget Workshop meeting.

Strategic Plan Focus Area Alignment:

Points to Consider:
The draft minutes from the April 10, 2024, County Council Budget Workshop 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 4-10-2024 Budget Workshop	5/6/2024	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

April 10, 2024 | **1:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

WORKSHOP MINUTES

DRAFT

Council Members Present: Allen Blackmon, Brian Carnes, Steve Harper, Jose Luis *(who joined via Teams during the Departmental Presentations for General Services),* Billy Mosteller, Charlene McGriff.

Council Members Absent: Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Lisa Parker, Human Resources Director; Debbie Hardin, Human Resources Generalist; Chris Clouden, Parks and Recreation Director; Scott Hernandez, Information Technology Director; Brenda Thompson, Communications and Marketing Director; Ryan Whitaker, Risk Manager; Jeff Catoe, Public Services Director; Alan Williams, Animal Shelter Director; Brandon Elliott, Fleet Operations Director; Daniel Hammond, Building Maintenance Director; Terrance Barr, Stormwater Director; Darin Robinson, Building Director; Allison Hardin, Development Services Director; Jennifer Page, Delinquent Tax Collector; Brad Carnes, Assessor; Brittany Grant, Register of Deeds Director; Cathy McDaniel, Procurement Director; Adrienne Coleman, Deputy Treasurer; Suzette Murphy, Auditor; Jeff Hammond, Clerk of Court; Dr. April Williams, Library Director; Brian Fulk, Economic Development Director; various elected officials; various Department Heads; various employees; and citizens. The Elected Officials and Department Heads joined the meeting prior to their presentation and then left after their presentation was complete.

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 within 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 called the Budget Workshop to order at approximately 1:06 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

Billy Mosteller led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. The motion to approve the agenda Passed by a vote of 5-0; Absent: Graham, Luis.

Discussion and Action Items

Opening Budget Remarks - Dennis Marstall

Dennis Marstall thanked Council for attending the first budget workshop and reviewed a power point presentation that reviewed his fiscal year 2025 approach to the budget and the impact of growth on the various County departments. The power point is attached as Schedule A to the written minutes in the Clerk to Council's office.

Review of Audit - Sabrena Harris

Sabrena Harris provided an overview of the fiscal year 2023 annual audit via the County power point presentation that is attached to the written minutes in the Clerk to Council's office. She provided prior years' general fund comparisons for revenues and expenses, and unassigned fund balance; reviewed financial performance highlights for revenues, expenses; and explained preparations for fiscal year 2025. Council and staff discussed the County's bond rating, airport funding carry over and how that would affect the upcoming budget, revenue projections, and that it was important to use the audit to look for revenue sources, trends, and changes to fund balance over time. They also discussed the County's need for an Enterprise Resource Planning (ERP) system and how it would help the County.

DRAFT

Departmental Presentations for General Services

Jamie Privuznak oriented Council to their binders and handouts.

Debbie Hardin, assisted by Lisa Parker, reviewed the Human Resources Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that their department was asking for a new position, increases in salary for existing staff, increases in travel and training, and increases in contractual services. She explained that the software package they are requesting would help them work with their current NEOGOV software. Council and staff discussed targeted staff increases versus across the board increases versus merit increases. The Human Resources staff also discussed that it was more important for their department to fund a new employee rather than current staff increases due to their workload.

Chris Clouden reviewed the Parks and Recreation Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that their department was asking for funding for seven new positions, funding for a master plan, funding for pursuing non-profit partnerships, funding for routine playground maintenance and gymnasium wall padding, and funding for the retrofit of lighting for the Springdale and Buford Recreation Complexes so that lights do not have to be turned off manually by staff. Council and staff discussed payment for summer daycare, whether the County could convert tennis courts to pickleball courts, and the need for staff to provide participation numbers for the various parts of the County in

order to justify their requests for increases.

Council took a break in the meeting starting at approximately 2:05 p.m. and returned to Chambers and resumed the meeting at approximately 2:12 p.m. During that time, Jose Luis joined the meeting via Teams.

Scott Hernandez reviewed the Information Technology Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that their department was asking for funding for four new positions, funding for salary adjustments for high performance, funding for increases in training and software maintenance, funding for seven special projects, and funding for yearly hardware replacements. He noted that their department had decreased their funding for contractual services and utilities. He also reviewed the interdepartmental requests for software increases, new software, and new hardware. Council and staff discussed the need for Ipads for Fire Rescue and the County's increase in cybersecurity.

Brenda Thompson reviewed the Communications and Marketing Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that their department was asking for funding increases for branding opportunities, for public education campaigns and for employee engagement. Council and staff discussed the need for their department to have a software that would help keep citizens informed and to have a new website. They also discussed the importance of the Civics 101 class and the need for a community newsletter.

Ryan Whitaker reviewed the Risk Management Department highlights from 2023 and reviewed his budget requests for 2024 via the County power point presentation. He explained that his department was asking for funding for a salary increase for the director, funding for a new software for employee emergency notifications, and funding for a new software module for employee training that would connect with Human Resources. Billy Mosteller thanked Ryan Whitaker for his work.

Ginny Merck-Dupont reviewed the Legal Services Department highlights from 2023 and reviewed her budget requests for 2024 via the County power point presentation. She explained that her budget showed a decrease but that she was asking for a small increase for supplies and utilities. There was no discussion from Council.

DRAFT

Departmental Presentations for Public Services

Jeff Catoe reviewed the Airport Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that this department was asking for an increase in gasoline expenses, an increase in building and ground maintenance, and increases for new supplies for the new terminal building. Council and staff discussed the need for a second position at the Airport, the Airport's fuel capacity, fuel costs at the Airport, the budget shortfalls at the Airport, and how to get the community excited about the County Airport.

Alan Williams reviewed the Animal Shelter highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that this department was asking for funding for a new position, funding increases for staff salaries, and funding increases for medical supplies. Allen Blackmon stated that he does not receive citizen complaints regarding the Animal Shelter. Council and staff discussed whether portable kennels would be a good idea for expanding the capacity at the Shelter and Alan Williams noted that the Shelter needs additional staff help rather than more capacity. Council and staff noted that the Shelter was most likely receiving more animals due to the bad economy.

Brandon Elliott reviewed Fleet Operation Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that their department actually had an overall decrease in the budget due to one-time costs for vehicle replacement having been expended and removed. However, he noted that the department was asking for funding increases in vehicle maintenance and for employee training and travel. He noted that their department wanted to implement the Telematics program, which began as a trial with the Sheriff's Department, in all County departments as it saves time and helps prioritize requests. There was no discussion from Council.

Daniel Hammond reviewed the Building Maintenance Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that their department was requesting an increase in funding for maintenance service agreements and for contractual services for supplies. Council and staff discussed that the Building Maintenance Department has an impressive job completion date, with most jobs being completed within 24 hours or less.

Jeff Catoe reviewed the Road Maintenance Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was requesting to reclassify a position and increase the salary and was requesting a new part-time position. Additionally, he noted that the Department was requesting an increase in funding for stone, office renovations, and additional traffic calming studies. Furthermore, he explained that the Department was requesting the following new equipment: a dump truck trade-in, a new F-750 dump truck, a new trailer, and a new CAT D-4 Dozer Truck. Council and staff discussed the reclassification of the Director of Facilities' position.

Jeff Catoe reviewed the Capital Project Sales Tax (CPST) 2 and 3 (County Transportation Committee) budget from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that they were asking for funding increases for contractual services, for County road paving, and for State road paving for CPST 2 and for funding increases for contractual services and for County road paving, but for a decrease in State road paving for CPST 3. There was no discussion from Council.

Jeff Catoe reviewed the Solid Waste Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was requesting two new full-time positions and an increase for overtime pay. Additionally, he noted that the Department was requesting an increase in funding for contractual services for disposal, for refuse case replacement, and for convenience site upgrades. Furthermore, he explained that the Department was requesting to purchase a new refuse truck. Council thanked the staff for the good services to the County.

Council took a break in the meeting starting at approximately 3:26 p.m. and they returned to Chambers and resumed the meeting at approximately 3:48 p.m.

DRAFT

Departmental Presentations for Development Services

Terrance Barr reviewed the Stormwater Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that this department was asking for a new pick-up truck, staff increases in pay and a local match for the Henry Harris Road culvert special project. Council and staff discussed the Stormwater fees for surrounding Counties, the need for existing staff pay increases, and that Council wanted to see the revenue projections for the Department based on the current rooftop fee.

Darin Robinson reviewed the Building Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was asking for staff pay increases. He reviewed the fee schedule changes for the department. There was no discussion from Council.

Allison Hardin reviewed the Planning and Zoning Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that these departments were requesting two new staff positions: a full-time grant writer and a full-time transportation planner. Council and staff discussed whether there was a need for a full-time grant writer and, if a grant writer was funded, whether it should be housed in a specific department or not so that it could be used by all departments.

Departmental Presentations for Financial Services and Other Services

Jennifer Page reviewed the Delinquent Tax Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that this department was asking to reclassify an existing position to a Deputy Tax Collector. She further noted that if approved, the position would be hired from

within the Department's existing staff. She also noted that she was cross-training all staff in the Department. Council and staff discussed the Department's good job performance on their increasing work in the area of passports in the Records Department.

Brad Carnes reviewed the Assessors Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was requesting funding for a mobile home audit program, which he noted needed to be completed as part of reassessment, and for an increase in contracts for existing software costs. There was no discussion from Council.

Brittany Grant reviewed the Register of Deeds Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department was not asking for any increases to their budget, but were not looking at any decreases either. There was no discussion from Council regarding her presentation.

Cathy McDaniel reviewed the Procurement Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department had no changes to their budget. There was no discussion from Council.

Adrienne Coleman, Deputy Treasurer, reviewed the Treasurers Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that the department was requesting a new part-time administrative assistant, which would be an upgrade from a seasonal worker to a permanent part-time worker. She further noted that the department was asking for an increase in their number of copies for their annual copier lease. There was no discussion from Council.

Suzetter Murphy reviewed the Auditors Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She explained that the Department was requesting for pay increases for existing staff and an increase for the annual contract for their current software. She noted that the department was also realigning the contract for the QPublic software into their budget, which is the correct department for that line item. Council and staff discussed the QPublic software program.

Jeff Hammond introduced Mike Watkins, who is running unopposed for the Clerk of Court position. He reviewed the Clerk of Court, Circuit Court, and Family Court Department highlights from 2023 and their budget requests for 2024 via the County power point presentation. He explained that these departments did not have any changes to their budgets and that they were not asking for anything. There was no discussion from Council.

Dr. April Williams reviewed the Library Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the department was not asking for any increases in their budget. She also noted that 18,240 people attended Library programs last year. Council and staff discussed the types of programs that citizens and card holders attended.

Brian Fulk reviewed the Economic Development Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He noted that the department did not have any new requests for the upcoming budget year.

Sabrena Harris reviewed the Finance Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the department was asking for a full-time deputy and a full-time grants coordinator. She also noted that the department was asking for funding for Accounts Payable automation software in order to streamline the invoice payment process. Council and staff discussed the need for the Enterprise Resource Planning (ERP) system and the difference between a grant writer and grant coordinator. Ms. Harris also reviewed the non-departmental expenses and debt service via the County power point presentation.

Discussion of Operating Budget - Dennis Marstall and Sabrena Harris

Sabrena Harris provided a revenue update for all funds, the general fund, and for ad valorem taxes via the County

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power point presentation. She also provided an update on millage and provided comparisons on historic millage. She then provided a handout with an updated summary of all departmental requests for fiscal year 2025 and that handout is attached as Schedule B to the written minutes in the Clerk to Council's office. She also provided, via the County power point, a summary of all departmental new position requests, a summary of requests from other funds, and a summary of external agency requests for fiscal year 2025. Charlene McGriff requested that Council provide money for non-profits on a rotating basis starting in fiscal year 2025-2026. Dennis Marstall reviewed State legislation that would possibly affect the County's operating budget via the County power point presentation. He also reviewed other factors that might affect the County's operating budget, such as current discussions on the proposed transportation tax, the proposed fire millage, the capital project sales taxes, and the American Rescue Plan Act (ARPA) fund spend down and close outs. He then reviewed the impact on the budget for utilities, gas, software increases, health insurance increases, possible cost of living increases, possible merit pay increases, State legislation increases, Enterprise Resource Planning (ERP) system funding, and departmental requests for salary increases and salary adjustments and new positions.

Transportation Funding Proposal Recommendations from the County Transportation Committee (CTC) - Jeff Catoe

Dennis Marstall and Jeff Catoe reviewed an updated power point presentation with Council regarding the Lancaster County Road Funding Proposal, which includes the recommendations from the County Transportation Committee (CTC). The updated power point presentation, that includes a history of capital projects sales tax revenue and revenue projections for the capital projects sales tax, is attached as Schedule C to the written minutes in the Clerk to Council's office. Council asked for a list of municipal roads that would be included in the proposal. Dennis Marstall explained that County staff was recommending a fifteen year plan to Council. He also explained that he would be visiting the municipalities to explain the proposal.

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Adjournment

Brian Carnes moved to adjourn the Budget Workshop. Seconded by Allen Blackmon. The motion to adjourn the meeting Passed by a vote of 6-0.; Absent: Graham. There being no further business, the Budget Workshop adjourned at approximately 6:07 p.m.

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration
Department: County Clerk
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Approve or amend the minutes from the April 17, 2024, County Council Budget Workshop meeting.

Strategic Plan Focus Area Alignment:

Points to Consider:
The draft minutes from the April 17, 2024, County Council Budget Workshop 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 4-17-2024 Budget Workshop	5/6/2024	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

April 17, 2024 | **1:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

WORKSHOP MINUTES

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Council Members Present: Brian Carnes, Terry Graham *(who came in late at approximately 1:22 p.m. after the Registration and Elections presentation)*, Steve Harper, Billy Mosteller, Charlene McGriff *(who left early at approximately 2:21 p.m. after the Fire Commission presentation)*.

Council Members Absent: Allen Blackmon and Jose Luis.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Robin Ghent, Veterans Affairs Director; Suzette Murphy, Auditor; Mary Ann Hudson, Director of Voter Registration; Chief Magistrate Curtisha Ingram, Magistrate Court; Judge Mary Rathel, Probate Court; Karla Deese, Coroner; Robert Purser, Public Safety Communications Director; Clay Catoe, EMS Director; Darren Player, Fire/Emergency Services Director; Sheriff Barry Faile, Lancaster County Sheriff's Department; Major Matt Shaw, Lancaster County Sheriff's Department; David Basri, volunteer with the Van Wyck Fire Protection District Fee Board; Chief Greg Nicholson, Greater Indian Land Consolidated Fire Protection Fee District; Deputy Chief Chris Miller, Greater Indian Land Consolidated Fire Protection Fee District; Allison Hardin, Development Services Director; various elected officials; various Department Heads; various employees; and citizens. The Elected Officials and Department Heads joined the meeting prior to their presentation and then left the meeting after their presentation was complete.

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 within 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 called the Budget Workshop to order at approximately 1:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. He recognized and thanked the veterans that were in attendance at the meeting to support the Veterans Affairs Department.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

Chairman Steve Harper asked one of the veterans in the audience to lead Council in the Pledge of Allegiance to the American Flag and to deliver the Invocation, to which one of them agreed although his name was not announced for the record.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. The motion to approve the agenda Passed by a vote of 4-0.; Absent: Blackmon, Graham, Luis.

Discussion and Action Items

Opening Remarks - Dennis Marstall

Dennis Marstall thanked Council for attending the Budget Workshops. He provided and reviewed a five page handout entitled "Budget Workshop Responses (April 10, 2024)" that addressed Council's questions from the last Budget Workshop and that handout is attached as Schedule A to the written minutes in the Clerk to Council's office.

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Departmental Presentations for Departments Without an Assigned Division

Robin Ghent reviewed the Veterans Affairs Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department was asking for funding for a new full-time benefits counselor since the Department is understaffed and has to address new changes in State law. She further explained that the department was asking for funding for equipment and furniture for the new position and for an increase in funding for contractual services in order to increase their security shredding to level 7 as required by law. She also provided and reviewed the following two handouts with Council: (1) Veterans Affairs intake checklist, and (2) dates, times, and locations for walk-in services. Both of the handouts are attached as Schedule B to the written minutes in the Clerk to Council's office. Suzette Murphy, Auditor, spoke regarding veteran's exemptions from their Department's perspective. There was no discussion from Council.

Mary Ann Hudson reviewed the Registration and Elections Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department was asking for new equipment (ballot marking devices, e-poll books and scanners) in order to keep up with population growth and for an increase in maintenance for new voting machines. Council and staff discussed possible building upfit for the department's expanding space needs.

Terry Graham joined the meeting after this presentation.

Departmental Presentations for Judicial Services

Chief Magistrate Curtisha Ingram reviewed the Magistrate Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department did not have any new requests for the upcoming budget year. She explained that the Department was fully staffed and that all of the clerks were cross-trained. She did note that space would be an issue that would need to be addressed at

some point in the future. There was no discussion from Council.

Judge Mary Rathel reviewed the Probate Court highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that the Department does not have any new funding requests except for the State law mandating a five percent increase in the Probate Judge's salary. She also explained that the Probate Court was asking for seven new fees for services that the Court was already providing but for which they are not currently charging. She noted that after she compared Lancaster County fees to other Probate Courts across the State, she realized that they should be charging for these services. There was no discussion from Council.

Departmental Presentations for Public Safety

Karla Deese reviewed the Coroners Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. She noted that one of her Department's successes was that her staff was one hundred percent nationally certified. She noted that their Department was asking for funding for a full-time Deputy Coroner and a part-time data entry / case manager. She further explained that the Department was asking for increases in salary for current staff, increases for expenses related to the new personnel, and increases for new equipment for transport vehicles. There was no discussion from Council.

Robert Purser reviewed the E-911 (Fund 15) Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He noted that the Department was fully staffed and thanked Council for the call center remodel and the two new software programs. He explained that the Department's overall budget decreased due to a one time Information Technology project purchase, but that the Department was asking for an increase in funding for emergency equipment and in funding for emergency repairs or replacements. He noted that these requests may be eligible for State reimbursement. There was no discussion from Council.

Robert Purser reviewed the Public Safety Communications Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He noted that the Department was asking for funding for two new telecommunicator positions in order to keep up with growth. However, he noted that if the City and County consolidate, then this request would no longer be needed as the City would fund the positions. He further noted that the Department was asking for funding for radio upgrades, which are needed so that they can talk with other Counties regarding mutual aid. Council and staff discussed a proposed consolidation of Public Safety Communications with the City, how the City would contribute to funding that proposal, the benefits of consolidation, and that a potential Intergovernmental Agreement (IGA) would be needed with the City in order to consolidate services.

Clay Catoe reviewed the EMS Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was asking to reclassify an existing position to a Deputy Director position. He also noted that the Department was asking for increases in part-time pay, for salary adjustments for existing staff, for the purchase of lifting pillows, and for the purchase of armored bullet/stab proof vests for each employee. Council and staff discussed the reclassification of the position for Deputy Director and the need for equipment that protects and prevents injuries to staff.

Darren Player reviewed the Emergency Management Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He provided a three page handout to Council that he referred to at various times during his presentation and that handout is attached as Schedule C to the written minutes in the Clerk to Council's office. He noted that the Department was asking for funding for a new full-time Planner/Technician, for increases for equipment for new and existing positions, and for a purchase of a new generator to replace the old one since it is no longer being serviced. There was no discussion from Council.

Darren Player reviewed the Fire Commissions Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Department was asking for an increase in the annual station allotments for ballistic vests and other personal protective equipment (PPE) for staff. He further explained that they were asking for increases in the airbags and brush truck programs. Council and

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staff discussed annual allotments for fire stations, the structure of volunteer fire department building ownership, that fire services has their own capital improvement program, and reserve funds. Charlene McGriff left the meeting after this presentation at approximately 2:21 p.m. and did not return for the duration of the meeting.

Darren Player reviewed the Fire Rescue Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He noted that the Department was asking for a new position of a Fire Rescue Director so that Fire Rescue and Emergency Management could be separated as two different Departments instead of being combined as one department as they now are. He further noted that the Department was asking for four new firefighter staff positions, for increases in training and uniform costs for new and existing staff, and for funding for a new pick-up truck for a new team of firefighters. Council and staff discussed whether the new firefighters would be working on the weekends, whether the County could or if other Counties in the State consolidated Fire and EMS staff, whether the County could co-locate Fire and EMS facilities, whether just EMS responded to accident calls, the County's funding of three firefighters in the City, and the fire rescue staffing model moving forward.

Sheriff Barry Faile provided a package of handouts regarding the Sheriff's Office and Detention Center, which Major Shaw referred to at various times during his presentation, and the Sheriff's Office handouts are attached as Schedule D and the Detention Center handouts are attached as Schedule E to the written minutes in the Clerk to Council's office. Major Matt Shaw reviewed the Sheriff's Office highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He noted that their Department's requests were based on call data. He explained that the Department was requesting the following new positions: (1) a full-time Public Information Officer; (2) two full-time Crime Prevention Deputies; and (3) two full-time Evidence/Records Clerks. He further noted that they were asking for a five percent increase in their career ladder and for their Victim Advocates. He also explained that they were asking for funding to replace 31 vehicles and an increase in funding for new equipment. Council and staff discussed the contract with the school for the School Resource Officers and that there would not be room to store evidence at the new Detention Center.

Major Matt Shaw reviewed the Detention Center Department highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the jail was full. He noted that the Department was requesting funding for two new full-time Correction Officers for the new Detention Center so that they can be trained before it opens and for one full-time Maintenance Technician that will support the new Detention Center and which the County Maintenance Department supports. He further explained that the Department was asking for an increase in their overtime pay, an increase for the salaries for their career ladder, an increase for their annual medical vendor contract, and an increase for their annual vendor contract for food and beverage services. There was no discussion from Council.

David Basri, Van Wyck Fire Protection Fee District Board Member, reviewed the Van Wyck Fire District highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. He explained that the Fire District needs staff so they are requesting to fund one full-time firefighter and one part-time firefighter out of their collections from their rooftop fees. He noted that they were also requesting overtime pay for the full-time firefighter and for equipment and supplies for the new position. Council and David Basri discussed that the District was not asking for an increase to their current rooftop fees.

Chief Greg Nicholson and Deputy Chief Chris Miller reviewed the Greater Indian Land Consolidated Fire District highlights from 2023 and reviewed their budget requests for 2024 via the County power point presentation. Chief Greg Nicholson explained that the Department was requesting funding for fourteen new full-time positions to include seven captains, six engineers, and an Administrative Assistant. He also noted that they were requesting funding increases for part-time salaries, for overtime, for the purchase of a new fire truck, for construction and renovation of Station 3, for equipment for existing personnel, for renovations to Sations 1 and 2, and for equipment for the new Station 3. There was no discussion from Council.

Council took a break in the meeting that began at approximately 3:21 p.m. and the meeting resumed at approximately 3:44 p.m.

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Discussion of Fire Millage - Dennis Marstall

Dennis Marstall led a discussion regarding possible fire millage via the County power point presentation. He reviewed a potential one to five year plan for fire services and explained the possible cost implications. He further explained the three fire funding options available to Council: (1) maintain the status quo; (2) create a County wide Tax District just for Capital, which would include stations and apparatus; or (3) implement a millage just for Indian Land Consolidated Fire District to address ongoing staffing and operating costs, which could be in addition to the current rooftop fee. He then explained how each of the options could be implemented. Council and staff discussed what figure would fund the existing needs for the Indian Land Consolidated Fire District, whether the County could use a millage for residential but maintain the rooftop fee for commercial, how much money taxpayers would pay for either 19 mils or 22 mils increases, the current classification of fees for apartments, and how municipalities could opt in for the millage/County wide fire services. Council requested the figures for how much taxpayers would pay for 19 to 32 mils for Indian Land on a $300,000 house, a $350,000 house, and a $500,000 house.

Review of Impact Fees' Capital Improvement Plan (CIP) and Expenditures - Sabrena Harris, CFO

Sabrena Harris led a discussion regarding the Impact Fees' Capital Improvement Plan (CIP) via the County power point presentation. She provided a history and impact fee overview, including a summary of fees collected for fiscal year (FY) 2022, FY 2023, and FY 2024, thus far. She also reviewed the County's CIP proposed project uses for the collected fees and the scheduled implementation dates for the projects. She further explained the process for expanding the Impact Fees in the County, which the Planning Commission has recommended that Council consider. Council expressed their disappointment in the fees that have been collected thus far and which developments are exempt from impact fees. Council and staff discussed whether the CIP's scheduled implementation dates could be amended.

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Discussion of Capital Budget - Jamie Privuznak/Budget and Dennis Marstall

Jamie Privuznak led a discussion regarding the County's Capital Improvement Plan (CIP) via the County power point presentation. She provided a history of the currently adopted CIP. She then provided an update of CIP projects and of American Rescue Plan Act (ARPA) projects. Council and staff discussed ARPA obligations and reporting requirements. Jamie Privuznak then explained possible funding strategies for the CIP projects. She provided an overview of new departmental capital requests for the upcoming fiscal year budget. Council and staff discussed the timeline for the Regional Park and that Council wanted a monthly update on its progress. They also requested a monthly update on the progress of the Detention Center. Council and staff also discussed the possible use of third party budget managers for projects.

Update on the Carolina Heelsplitter Ordinance and Procedures - Allison Hardin, Development Services Director

Allison Hardin led a discussion regarding the Carolina Heelsplitter ordinance and procedures via the County power point presentation. She explained that the County wanted to create a special service district for the credit purchase process for the Heelsplitter and that the money collected in the district would stay in the County and not go to the current Heelsplitter bank. She noted that she is currently working with the Finance Department to set up a line item in the budget so that the County can receive funds. She explained that she would be coming back to Council to create a process for the program. Council and staff discussed the need for the program due to upcoming projects that need to use the credit purchase process. Steve Harper discussed creating an Ad Hoc Committee regarding the Regional Park.

Strategic Plan Quarterly Update - Stephany Snowden

Stephany Snowden led a discussion regarding an update on the County's Strategic Plan via the County power point presentation. She also provided a handout to Council showing how the different departments line up with

the Plan's five strategic themes and that handout is attached as Schedule F to the written minutes in the Clerk to Council's office. Due to her limited presentation time, she briefly went through the objectives and explained how the County was on taget to meet those objectives.

Adjournment

Terry Graham moved to adjourn the Budget Workshop. Seconded by Brian Carnes. The motion to adjourn the meeting Passed by a vote of 4-0.; Absent: Blackmon, Luis, McGriff. There being no further business, the Budget Workshop adjourned at approximately 5:27 p.m.

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Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration
Department: County Clerk
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Approve or amend the minutes from the April 22, 2024, County Council regular meeting.

Strategic Plan Focus Area Alignment:

Points to Consider:
The draft minutes from the April 22, 2024, 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 4-22-2024 County Council Regular Meeting	5/6/2024	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

April 22, 2024 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

MINUTES

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Council Members Present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Jose Luis, Charlene McGriff, Billy Mosteller.

Council Members Absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Allison Hardin, Development Services Director; Jeff Catoe, Public Servies Director; Amy Carnes, Economic Development Coordinator; Andrew Pack with Woolpert; Michael Seezen with Burr Forman Law Firm; 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 within 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 Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting, especially the winners of the Art Contest and the visitors from the Lancaster County School District.

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

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. The motion to approve the agenda Passed by unanimous vote of 7-0.

Citizens Comments

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

1. Odell Steele, Chester, SC, spoke regarding the Comprehensive Plan and his request to change the future land use map for approximately 900 acres of property that he owns off of Grace Avenue and Bethel Road. He stated that he felt the property was not suited for the Rural zoning district as it is currently designated, but that it would be a better fit for the Growth designation;
2. Nancy Archer, Indian Land, SC, spoke regarding a business the faces Highway 521 and which connects to the Brookchase neighborhood. She noted that the business is used as a dump site which has caused rodent problems in the Brookchase neighborhood; and
3. Robin Willis, Lancaster, SC, spoke regarding traffic safety on East Park Drive.

The following citizen submitted an electronic, written comment for Citizens Comments, of which Council received a physical copy at their seats and which was acknowledged during the meeting by Sherrie Simpson, Clerk to Council:

1. Ro Harris, Lancaster County, SC, wrote in requesting that Council add Juneteenth (June 19th) as an observed or floating holiday for County employees and the comments are attached as Schedule A to the written minutes in the Clerk to Council's office.

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Special Presentations

Dennis Marstall explained that as part of National County Government month, the County partnered with the School District and sponsored an Art Contest for elementary age students. He recognized the winners of the contest: (1) the group winners were from Clinton Elementary school - Ileiya Montz, Javariona Nelson, Sieara Cunningham, Karson Rodriquez, Aaliyah Bailey; and (2) the individual winner was from Harrisburg Elementary School - Ruhi Anand. Mr. Marstall also recognized the teachers that helped the students: (1) Mr. Sam Farris from Clinton; and (2) Ms. Jessie Massie from Harrisburg.

Dennis Marstall recognized the nominees for Employee of the Quarter for the 1st Quarter, which were Gary Baker, Scott Carmichael, Donna Greene, Billy Lloyd, Cheyanne Martin, and Jonathon Payne. He explained that there were two categories for Employee of the Quarter: (1) General Government, and (2) Public Safety. He noted that the winner for the General Government Employee of the Quarter for the 1st Quarter was Gary Baker with Communications and Marketing and the Public Safety Employee of the Quarter for the 1st Quarter was Billy Lloyd with Fire Rescue.

Stephany Snowden provided an update on the Regional Park via the County power point presentation. She provided a timeline for the Park and discussed the planning process for the Park. Council and staff discussed the cross country trail amenity and noted that the Park does not belong to the Roselyn subdivision.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.** and Item **7b.** *[which are the same as Item a. and Item b. listed below]*. Seconded by Charlene McGriff. All of the Consent Agenda Items listed on the agenda Passed by unanimous vote of 7-0.

a. **Approval of Minutes from the April 8, 2024 County Council Regular Meeting**

b. **2nd Reading of Ordinance 2024-1904 regarding Amending the Fiscal Year 2023-2024 Budget regarding a Departmental Budget Transfer**

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. ***- Passed 7-0 at the April 8, 2024 County Council Meeting. - Sabrena Harris***

Non-Consent Agenda

Resolution 1259-R2024 Transfer of Fee Agreement Between Unique USA, Inc, 793 FMH, LLC and 793 Fort Mill Acquisition, LLC

Resolution Title: A Resolution For Lancaster County To Formally Approve The Transfer of Fee Agreement Between Unique USA, Inc., 793 FMH, LLC, And 793 Fort Mill Acquisition, LLC.

Brian Carnes moved to approve Resolution 1259-R2024. Seconded by Billy Mosteller. Amy Carnes provided a review of the requested fee agreement transfer, which can be found in the Agenda Item Summary of the agenda packet. Council and staff discussed that this Company has both a Fee In Lieu of Tax (FILOT) agreement and a Special Source Revenue Credit (SSRC) agreement, that the Company is not adding an affiliate but is rather doing a transfer of the agreement, and that the Company's FILOT and SSRC are linked in the Resolution. Council took a vote on the motion to approve and Resolution 1259-R2024 Passed by unanimous vote of 7-0.

3rd Reading of Ordinance 2024-1900 regarding Adoption of the Lancaster 2040 Comprehensive Plan

Ordinance Title: An Ordinance To Adopt An Updated Comprehensive Plan Titled *Lancaster 2040 Comprehensive Plan*; And To Provide For Matters Related Thereto.

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2024-1900. Seconded by Terry Graham. Allison Hardin provided information regarding the Comprehensive Plan via the County power point presentation. She reviewed the areas in the Plan where a minimum acreage was mentioned. Council and staff discussed how this minimum acreage requirement might affect citizens. Ms. Hardin explained that Council could remove the requirements for minimum acreage out of the Agriculture and Timber Land Use Category and the Rural Land Use Category by removing one sentence. Jose Luis moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing both of the following sentences from the Comprehensive Plan: (1) in the Agriculture and Timber Land Use Category: "To preserve this land, the use of the major subdivision process for residential development should not be allowed and the minimum lot size should be five acres; and (2) in the Rural Land Use Category: "Major subdivisions should be allowed in Rural areas, with a three acre minimum lot size, and minor subdivisions should have a one acre minimum lot size." Seconded by Allen Blackmon. The motion to amend Passed by unanimous vote of 7-0.

Allison Hardin explained that the Planning staff agreed with Mr. Odell Steele's citizen comment and that his land use would be better supported by Growth than by Rural zoning. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan and the future land use map by changing the land use for the Odell Steele property from Rural zoning to Growth zoning. Seconded by Brian Carnes. Council and staff discussed that the Planning staff needed to obtain maps from the Lancaster County Water and Sewer District so that they could more accurately ascertain where Growth should be located on maps and in plans. The motion to amend Passed by a vote of 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nayes: Luis.

Council discussed concurrency. They discussed whether concurrency should only apply to the Panhandle area, that Council needed a clearer understanding of the concept of concurrency, the assignment of development rights, who would make the decisions regarding concurrency, what other municipalities or counties are using

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concurrency, and the impact that concurrency could have on other areas of the County. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing concurrency references from the document, but asked staff to study concurrency separately from the Comprehensive Plan. Seconded by Billy Mosteller. Council and staff discussed whether Council could add concurrency back into the document at a later date. The motion to amend and remove concurrency from the document Passed by a vote of 4-3. Ayes: Blackmon, Harper, McGriff, Mosteller; Nayes: Carnes, Graham, Luis.

Jose Luis moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing references to the assignment of development rights from the document. Seconded by Brian Carnes. The motion to amend and remove the assignment of development rights from the document Passed by unanimous vote of 7-0.

Council discussed removing the compensation study and climate change from the document. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing references to the Compensation Study and any future employment posibilities from the document. Seconded by Billy Mosteller. The motion to amend and remove the compensation study and future employment positions from the document Passed by unanimous vote of 7-0.

The motion to approve the 3rd Reading of Ordinance 2024-1900 as amended Passed by a vote of 5-2. Ayes: Blackmon, Carnes, Harper, McGriff, Mosteller; Nayes: Graham, Luis

1st Reading of Ordinance 2024-1897 regarding Adding Property to the Edgewater II Improvement District

Ordinance Title: An Ordinance To Add Certain Property To The Edgewater II Improvement District; And To Provide For Other Matters Relating Thereto

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1897. Seconded by Allen Blackmon. Dennis Marstall introduced Michael Seezen, outside counsel for the County with Burr Forman Law Firm. Mr. Seezen explained that this Ordinance would modify the Edgewater II Improvement District and he provided a history of the District. He noted that the developers were asking to add approximately 3.4 acres of property to the District so that the developers could develop the same number of lots as they originally agreed upon. Council and staff discussed that the purpose of adding property at this time was that the developer was looking at lot lines and if this was not done now, then they might have to develop fewer lots than originally planned or they might have to reconfigure some lots. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1897 Passed by unanimous vote of 7-0.

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1st Reading of Ordinance 2024-1899 regarding Amending the Lancaster County Code Relating to Personnel Policies

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Specifically Chapter 2, Article IV, Relating To The Lancaster County Personnel Policy.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1899. Seconded by Brian Carnes. Ginny Merck-Dupont explained that this Ordinance was removing the current ordinance that requires Council to adopt personnel policies by ordinance so that Council can update and adopt future personnel policies via resolution. She explained that on 3rd reading of this Ordinance, Council would adopt the new and revised personnel policies via Resolution so that there would not be any lapse in the policies. Council and staff discussed the fact that Council members wanted a physical copy of the entire document of the new personnel policies and that there should be a different avenue for grievances with the County Administrator. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1899 Passed by unanimous vote of 7-0.

Discussion and Action Items

CTC Appointment Process - Dennis Marstall

Dennis Marstall explained that the current process that the Council has used for appointments to the County Transportation Committee (CTC) has been that they would vote to nominate and recommend an appointment to the Lancaster Legislative Delegation. However, the members are actually appointed by the Legislative Delegation. He noted that, in the past, the appointments had not been by District. Council and staff discussed that, in order to be fair, the appointments should be by District and that, in the past, Council worked to ensure that the entire County was represented via their nominations. They also noted that if the appointments are made by District, then it would take politics out of the appointments. Council and staff stated that they would wait to hear from the Legislative Delegation in regards to future appointments if there is a vacancy on the Committee.

Status of items tabled, recommitted, deferred or held

a. HOLD - 2nd Reading of Ordinance 2024-1893 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 2 and Amending Nonmetallic Mineral Product Manufacturing from Permitted with Review to a Conditional Use

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2 To Amend "Nonmetallic Mineral Product Manufacturing" From A Use Permitted With Review (PR) To A Conditional Use, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein - ***Passed 7-0 at the February 12, 2024 County Council Meeting. - Allison Hardin***

b. HOLD - 2nd Reading of Ordinance 2024-1896 regarding Amending the Unified Development Ordinance (UDO) related to the Removal of "Amusement, Indoor" and "Amusement, Outdoor" From the Use List for Light Industrial (LI) Districts

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2, Section 5 Use Table, To Remove The Uses "Amusement, Indoor" And "Amusement, Outdoor" From The Use List For Light Industrial (LI) Districts, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein - ***Passed 4-3 at the March 11, 2024 County Council Meeting (Brian Carnes, Steve Harper, and Jose Luis Opposed). - Allison Hardin***

c. HOLD - 1st Reading of Ordinance 2024-1898 regarding Amending the Lancaster County Code Relating to Parliamentary Procedures / Rules of Procedure for Meetings

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Relating To Parliamentary Procedures/Rules Of Procedure For Council Meetings, Including Committee Meetings, And All Boards And Commissions For Which County Council Appoints A Majority Of Members. - ***By a Vote of 6-0, 1st Reading Postponed (Allen Blackmon Absent). - Dennis Marstall / Ginny Merck-Dupont***

There was no discussion during the meeting regarding the status of any items that had been tabled, recommitted, deferred or held.

Executive Session

Three Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora.

2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters bay.

3. Receipt of legal advice subject to the attorney-client privilege regarding legal services.

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Steve Harper stated that he needed a motion to go into Executive Session for the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora; the receipt of legal advice subject to the attorney-client privilege regarding a potential contracutal matter relating to the EMS Headquarters Bay; and the receipt of legal advice subject to the attorney-client privilege regarding legal services; and to invite the Economic Development staff into Executive Session to discuss the first matter and the Deputy County Administrator into Executive Session to discuss the second matter. Charlene McGriff stated that she moved to go into Executive Session. Seconded by Brian Carnes. The motion to go into Executive Session Passed by unanimous vote of 7-0. At approximately 7:49 p.m., Council went into Executive Session.

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 8:34 p.m. Terry Graham moved to come out of Executive Session. Seconded by Charlene McGriff. The motion to come out of Executive Session Passed by unanimous vote of 7-0.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora; the receipt of legal advice subject to the attorney-client privilege regarding a potential contracutal matter relating to the EMS Headquarters Bay; and the receipt of legal advice subject to the attorney-client privilege regarding legal services. She stated that during Executive Session, no motions were made and no votes were taken.

Adjournment

Charlene McGriff moved to adjourn the regular meeting of County Council. Seconded by Brian Carnes. The motion to adjourn the meeting Passed by unanimous vote of 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:35 p.m.

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Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson / Clerk to Council / Administration
Department: County Clerk
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Approve or amend the minutes from the April 24, 2024, County Council Budget Workshop meeting.

Strategic Plan Focus Area Alignment:

Points to Consider:
The draft minutes from the April 24, 2024, County Council Budget Workshop 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 4-24-2024 Budget Workshop Meeting	5/7/2024	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

April 24, 2024 | **1:00 PM** | **101 North Main Street, Lancaster, SC 29720**

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

WORKSHOP MINUTES

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Council Members Present: Allen Blackmon *(who came in late after the vote on the Approval of the Agenda)*, Brian Carnes, Steve Harper, Jose Luis, Charlene McGriff, Billy Mosteller.

Council Members Absent: Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Darren Player, Director of Fire/Rescue Services; Chief Greg Nicholson, Greater Indian Land Consolidated Fire Protection District; 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 within 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 called the Budget Workshop to order at approximately 1:00 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

Charlene McGriff moved to approve the agenda. Seconded by Jose Luis. The motion to approve the agenda Passed by a vote of 5-0.; Absent: Blackmon, Graham.

Discussion and Action Items

Discussion of Personnel Budget

Dennis Marstall provided and reviewed a five page handout entitled "Budget Workshop Responses (April 17, 2024)" that addressed Council's questions from the last Budget Workshop and that handout is attached as Schedule A to the written minutes in the Clerk to Council's office. Council and staff discussed whether any of the fire department's were tax exempt 501(c)(3) organizations and Darren Player explained that Fire Departments were Internal Revenue Service (IRS) exempt. Council and staff also discussed whether the current homeless shelter was actually a private residence.

Sabrena Harris led a discussion regarding the personnel budget via the County power point presentation. She discussed the budget goals, provided an overview of the current workforce, provided an overview of the County's current compensation for employees, provided an overview of the current compensation requests from all Department Heads and Elected Officials, provided an overview of the County's current hourly rate pay scale, provided an overview of all Department Head and Elected Official salary adjustment requests, provided an overview of the all Department Head and Elected Official new position requests, provided an overview of mandated payroll adjustments from the State, and provided an update on other potential budget enhancements. Council and staff discussed the need for new employee positions versus the need for current employee raises. Council and staff further discussed County revenue projections. Sabrena Harris also provided and reviewed a two page handout entitled "FY25 Budget - New Positions Requested" and that handout is attached as Schedule B to the written minutes in the Clerk to Council's office. Council and staff also discussed merit increases versus across the board pay increases, using merit inreases as a bonus rather than a yearly pay increase, and the possible need for a Special meeting regarding the budget ordinance readings. Jose Luis requested the budget in an excel spreadsheet with variances between the Fiscal Year (FY) 24 and FY 25 budgets.

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Discussion of Fire Millage - Dennis Marstall

Dennis Marstall led a discussion regarding Fire Millage via an updated County power point presentation and that Fire Millage power point is attached as Schedule C to the written minutes in the Clerk to Council's office. Council and staff discussed the need for a fire services five year budget plan for capital and operating, that citizens will already have a tax increase if the school bond passes, the need for a new fire study since the last one done was the Fitch study, where fire services are needed in the County based on growth, the amount of millage that fire services currently receives from the budget, the needs per district for fire services, and revenue projections for the current fire protection districts. Allen Blackmon and other Council members requested a breakdown of calls for fire services and for what services the calls were received. Council and staff emphasized the need for a five year plan for fire services. Chief Greg Nicholson explained that the Greater Indian Land Consolidated Fire Protection District received about one third of the calls in the County. He noted that their Department could change how they respond to medical calls if the County wanted to change their policy. Council and staff discussed the number of brush fire calls that fire services receives and the need for brush trucks in every department.

Adjournment

Jose Luis moved to adjourn the Budget Workshop. Seconded by Allen Blackmon. The motion to adjourn the

meeting Passed by a vote of 6-0.; Absent: Graham. There being no further business, the Budget Workshop adjourned at approximately 3:20 p.m.

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Agenda Item Summary

Ordinance # / Resolution #: Resolution 1260-R2024
Contact Person / Sponsor: Suzette Murphy / Auditor
Department: Administration
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Adoption of the annual Resolution setting the Local Option Sales Tax (LOST) credit Factor number.

Strategic Plan Focus Area Alignment:

Points to Consider:
The voters of Lancaster County approved a 1% local option sales and use tax which is authorized under Code Section 4-10-10. Thirty-one of the state's 46 counties have enacted the sales tax.

This tax is a general sales and use tax on all sales at retail (with a few exceptions) taxable under the state sales and use tax.

This tax is imposed to reduce the property tax burden on persons in the counties where this tax is imposed.

For those jurisdictions with a Local Option Sales Tax, they must establish a credit factor or percentage by which property taxes will be reduced due to the imposition of the local sales tax.

The revenue from the local option sales tax is distributed by the State Treasurer on the basis of 71% to the property tax credit fund and 29% to the county revenue fund.

The formula is driven by State law and is not subject to amendment by Council.

The Resolution spells out the underlying data and how Council has historically utilized the proceeds, pursuant to state law.

Funding and Liability Factors:
The LOST Credit Factor for the coming year is .000842, as determined by the Lancaster County Auditor.

Recommendation:
Adopt the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1260-R2024	5/10/2024	Resolution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO. 1260-R2024

A RESOLUTION

ESTABLISHING THE LOCAL OPTION SALES TAX CREDIT FACTOR FOR THE 2024 TAX YEAR.

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

WHEREAS, County Council has established the Local Option Sales Tax revenue for the 2024 tax year shall be distributed on the basis of 71% to the property tax credit fund and 29% to the county revenue fund, and

WHEREAS, a Local Option Sales Tax credit factor must be established for the 2024 tax year, which factor is the result, carried to six (6) decimal positions, of dividing estimated Local Option Sales Tax credit fund revenue by the total taxable appraised value within the county as estimated by the County Auditor.

NOW THEREFORE, be it resolved that the County Auditor, with the concurrence of the Lancaster County Council, as evidenced by signature below, hereby establishes the Local Option Sales Tax credit factor as follows:

Credit fund estimate	$9,657,409.24
Divided by	
Taxable appraised value estimate	$11,467,988,471
Equals	
Tax credit factor for 2024	.000842

This credit estimate to be revised near the end of the fiscal year to adjust for actual credit given to taxpayers.

AND IT IS SO RESOLVED this 13th day of May, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

_____
Suzette Murphy, County Auditor

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
Virginia L. Merck-Dupont, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1904
Contact Person / Sponsor: Sabrena Harris / Finance Director
Department: Finance
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Amendment to the FY 2024 Budget for the following:

- Within the Road Maintenance departmental budget, transfer funds to cover the significant cost associated with the purchase of stone.

Strategic Plan Focus Area Alignment:

Resource Optimization
Identify and execute strategic leverage opportunities to drive efficiency and effectiveness.

Points to Consider:
This budget adjustment authorizes the transfer of $155,000 within the Road Maintenance departmental budget from the Supply-Signage line-item to the Supply-Stone line-item due to the more immediate need that stone be poured on job sites and roads that have been compromised as a result of the wet winter.

Funds that had been previously approved for contractual services to provide overhead signage will be redirected to cover the purchase price of stone.

Funding and Liability Factors:
There is no change to the County Budget, just a transfer of funds between Public Works Department operating budget line items.

Recommendation:
Approve the departmental budget transfer.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1904	4/3/2024	Ordinance
Public Hearing Notice for Ordinance 2024-1904	4/25/2024	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2024-1904

~~Indicates Matter Stricken~~
Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2023-1849, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024 (FY 2023-2024), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

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

Section 1. Appropriations; Detailed Budget.

(a) Section 2 and Section 4. of Ordinance No. 2023-1849 are amended to read:

A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2023, and ending June 30, 2024 (FY 2023-2024):

APPROPRIATIONS	AMOUNT
Airport Fund	376,738
Capital Improvement Fund	3,901,970
Capital Project Sales Tax 2 Fund	16,500,000
County Debt Fund	4,511,750
County Transportation Committee Fund	19,379,024
Court Mandated Security Fund	2,088,988
E-911 Fund	1,623,052
General Fund	88,338,863
Hospitality Tax Fund	1,900,000
Indian Land Fire Protection District Fund	364,410
Local Accommodations Tax Fund	120,000
Pleasant Valley Fire Protection District Fund	416,186
Victims Services Fund	47,000
State Accommodations Tax Fund	224,250
Stormwater Fund	2,825,512
Van Wyck Fire Protection District Fund	155,520
Capital Project Sales Tax 3 Fund	29,001,500
Indian Land Consolidated Fire District	3,980,481

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the adopted FY 2023-2024 Annual Budget, as previously approved by Council via Ordinance No. 2023-1849, for the following items:

		Revenue	Expense
General Fund	Departmental Budget Transfer Supplies – Sign Making		($155,000)
General Fund	Departmental Budget Transfer Supplies - Stone		$155,000

Section 4. Severability.

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

Section 5. 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 6. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this _____ day of May, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	April 8, 2024
Second Reading:	April 22, 2024
Public Hearing:	May 13, 2024
Third Reading:	May 13, 2024

Approved as to form:

_____
Virginia L. Merck-Dupont, County Attorney

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The Lancaster News

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

PUBLIC HEARING NOTICE

Fiscal Year 2023-2024 LANCASTER COUNTY BUDGET

The County of Lancaster will hold a public hearing on **Monday, May 13, 2024,** at 6:00 pm in County Council Chambers, 2nd Floor, County Office Building, 101 North Main Street, Lancaster, SC, for the purpose of obtaining written and oral comments from the public concerning the adoption of an Ordinance amending the Fiscal Year 2023-2024 County Budget. 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, 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.

ORDINANCE 2024-1904 TO AMEND ORDINANCE 2023-1849

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 (FY 2023-2024); TO SPECIFY THE SOURCE OF FUNDS FOR THE SUPPLEMENTAL APPROPRIATIONS:

	Supplemental Revenue	Expense
General Fund – Departmental Budget Transfer From Supplies – Sign Making		$155,000
General Fund – Departmental Budget Transfer To Supplies - Stone		$155,000

At the time and place fixed for said public hearing, all interested persons who appear will be given an opportunity to express their views for or against this ordinance. Persons requiring special arrangements to attend this meeting due to a physical disability should contact the Administrator's office at 803-285-1565 at least 24 hours in advance of the meeting.

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 April 24th 2024.

SWORN to before me this 24th day of April, 2024

Ashley L Johnson

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

Ashley L Johnson NOTARY PUBLIC SOUTH CAROLINA

Newspaper Rep Signature Kristi Ross

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1897
Contact Person / Sponsor: Ginny Merck-Dupont / County Attorney
Department: Administration
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Council is being asked to add approximately 3.39 total acres to the Edgewater II Improvement District and amend the Assessment Ordinance and Assessment Roll.

Strategic Plan Focus Area Alignment:

Points to Consider:
The orginal Edgewater II Improvement District was comprised of approximately 375 acres. The Forfeited Land Commission acquired title to all of the parcels within the District in December of 2021, pursuant to a Multi-Party Agreement. True Homes agreed to purchase the parcels from the Forfeited Land Commission on a quarterly basis over approximately seven (7) years. True Homes agreed to develop the parcels and sell them to third-party end users. At the time of the agreement, True Homes expected to develop 1,059 individual lots.

True Homes has worked with the planning department over the last two (2) years and, due to certain land use and permitting issues, they found it would be necessary to include some land that was not originally intended to be part of the District. By including the additional acreage, True Homes can now meet the original goal of developing 1,059 individual lots. All of the added parcels are owned by the Commission.

The Forfeited Land Commission supports this action as a way for True Homes to better lay out their development plan and maximize the acreage for development.

Funding and Liability Factors:
The County has been advised by David Taussig & Associates, Inc., the County's assessment consultant, that the addition of the Added Parcels to the District, in and of itself, does not change the Annual Assessment and will not reduce the amount annually billed and collected from Assessments on all parcels within the District.

Recommendation:
Approve Ordinance 2024-1897.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1897	5/1/2024	Ordinance
Red Line Version of Ordinance Showing Changes from 1st Reading	5/1/2024	Ordinance
Notice of Public Hearing for Ordinance 2024-1897	4/26/2024	Public Hearing Notices

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1897**
COUNTY OF LANCASTER)

AN ORDINANCE

TO ADD CERTAIN PROPERTY TO THE EDGEWATER II IMPROVEMENT DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

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

Section 1. Findings.

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

(a) Pursuant to the County Public Works Improvement Act, codified as Chapter 35 of Title 4 of the Code of Laws of South Carolina 1976, as amended (the "Act"), and Ordinance No. 834 enacted on July 30, 2007, as corrected and confirmed by Resolution No. 581 adopted on September 10, 2007 and as amended by Ordinance No. 2021-1764 enacted on October 25, 2021 (as so amended, the "Assessment Ordinance"), the County has created the Edgewater II Improvement District (the "District"), relating to an approximately 375-acre residential development known as "Edgewater II" (the "Development").

(b) Pursuant to a Multi-Party Agreement dated on or about December 8, 2021 (the "Multi-Party Agreement") among the County, the Lancaster County Forfeited Land Commission (the "Commission"), Craft Development, LLC, the original developer of the Development ("Craft"), True Homes, LLC, the current developer of the Development ("True Homes"), and U.S. Bank National Association, as trustee (the "Trustee") of certain assessment revenue bonds previously issued by the County to finance improvements within the District (the "Series 2007 Bonds"), the Commission acquired title to all of the parcels within the District from Craft in December 2021, and True Homes agreed to subsequently purchase such parcels from the Commission on a quarterly basis at agreed upon prices over approximately seven years, in order to develop such parcels and sell them to third-party end users; at the time of execution of the Multi-Party Agreement, it was expected that True Homes would develop approximately 1,059 individual lots, when fully platted and subdivided.

(c) True Homes and the Commission have advised the County that (1) over the course of the last two years, True Homes has worked with the County and the County's planning department with respect to certain land use and permitting issues related to the Development, including the siting and placement of infrastructure and platting of individual lots, and (2) due to the placement of certain road and utility easements within the Development and reconfigurations to create sellable lots within the Development consistent with the original development goals, namely approximately 1,059 individual lots, when fully platted and subdivided, it is necessary to include some land that was not originally intended to be (and presently is not) part of the District (as more particularly described in Exhibit A attached hereto, the "Added Parcels"). A graphical depiction or representation of the Added Parcels is shown in Exhibit B attached hereto.

(d) True Homes and the Commission estimate that the Added Parcels represents approximately 3.39 total acres, and have requested that the County make certain technical corrections to add the Added Parcels to the District, and amend the Assessment Ordinance and the assessment documents (namely the Assessment Roll, including the Rate and Method of Apportionment of Assessments, as amended and annually updated) approved and contemplated by the Assessment Ordinance (collectively, the "Assessment Documents"), to reflect the Added Parcels.

(e) As of the date of this Ordinance, based on information provided by the Commission and True Homes, as applicable, all of the Added Parcels are owned by the Commission and the Commission and True Homes constitute not less than a majority (by parcel) of the property owners within the District, which collectively represent not less than 66-2/3% of the assessed value of all real property within the District, and True Homes has been and remains in compliance with its obligations to purchase lots within the District.

(f) The County has received the written consent of the Commission (as current owner of the Added Parcels) and True Homes, which has contractual rights under the Multi-Party Agreement to acquire the Added Parcels, with respect to the addition of the Added Parcels to the District and the amendment and modifications described above and to the imposition of the non-*ad valorem* assessments upon the Added Parcels as contemplated by the Assessment Ordinance and the Assessment Documents.

(g) The County has been advised by David Taussig & Associates, Inc., the County's assessment consultant, that the addition of the Added Parcels to the District, in and of itself, does not change the Annual Assessment (as defined in the Assessment Documents) and will not reduce the amount annually billed and collected from Assessments (as defined in the Assessment Documents) on all parcels within the District.

(h) Based on the foregoing, the amendments to the Assessment Ordinance and Assessment Documents are necessary and appropriate and do not materially adversely affect the rights of the owners of the Series 2007 Bonds.

Section 2. Addition of Added Parcels to District; Amendment of Ordinance and Assessment Documents.

The Council does hereby approve the addition of the Added Parcels to the District. The Council further approves the amendment of the Assessment Ordinance and the Assessment Documents to reflect the Added Parcels and authorizes and directs the Chairman of the Council and the County Administrator, or either one of them acting alone, to take such actions as are necessary or desirable, with the advice from the County Attorney and bond counsel, to make such modifications to the Assessment Ordinance and the Assessment Documents, including any amendment, revision or restatement of one or more of the Assessment Documents. For the avoidance of doubt, all statements, findings and determinations in the Assessment Ordinance or the

Assessment Documents that relate to the District are hereby reaffirmed or remade based upon the District as modified by this Ordinance (e.g., the Added Parcels).

Section 3. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney, County Finance Director and all other appropriate officials of the County are authorized and directed to take such actions and do any and all things necessary or desirable in connection with the removal of the Excluded Parcels from the District, including the execution and delivery of any agreements, certificates, directions or other documents authorized or contemplated herein, to effect the purposes of this Ordinance.

Section 4. Severability.

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

Section 5. Controlling Provisions.

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

Section 6. Effective Date.

This Ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this ____ day of _____, 2024.

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 Merck-Dupont, County Attorney

First Reading:	April 22, 2024
Second Reading:	May 13, 2024
Public Hearing:	May 13, 2024
Third Reading:	May 28, 2024

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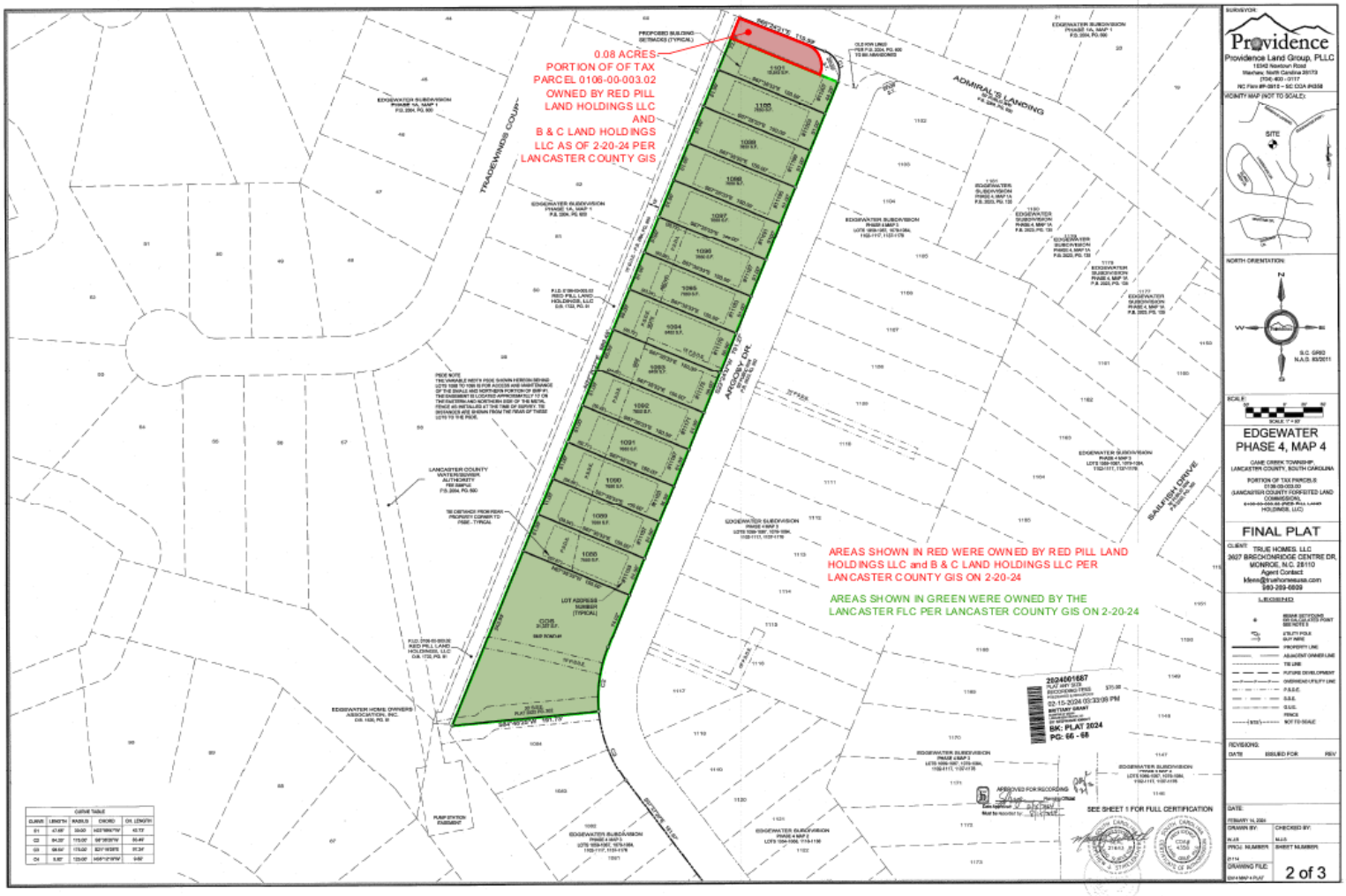
Exhibit A to Ordinance No. 2024-1897
Description of Added Parcels

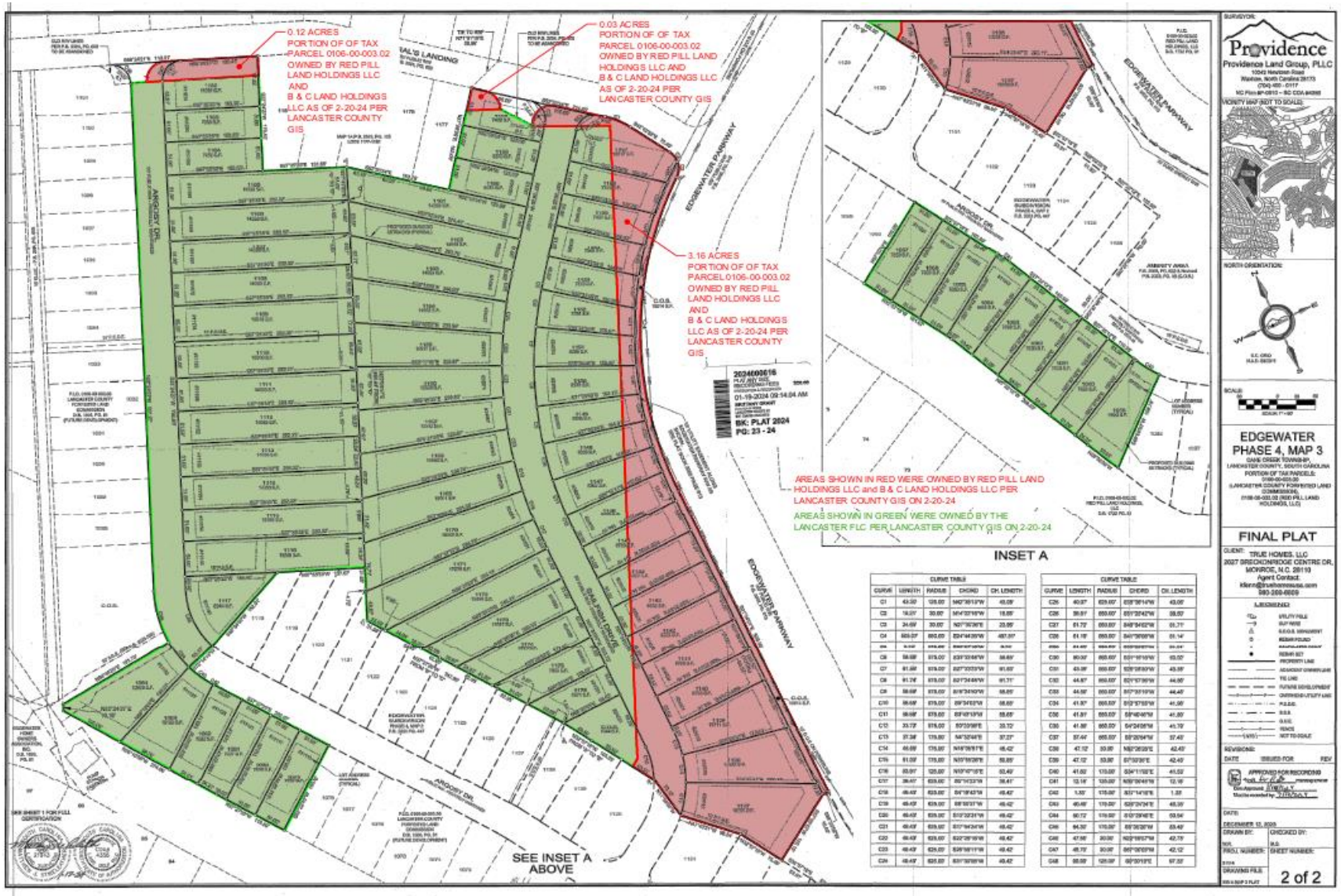
The real property to be included within the Edgewater II Improvement District is described as follows:

all property granted to the Commission by Quitclaim Deed from B&C Land Holdings, LLC and/or Red Pill Land Holdings, LLC, recorded in the Lancaster County Register of Deeds Office (the "ROD") in (1) Deed Book 1759, at page 91, that is within the area shown on "Edgewater Phase 4, Map 3, Final Plat" recorded at Plat No. 2024-23, and (2) Deed Book 1775, at page 130, that is within the area shown on "Edgewater Phase 4, Map 4, Final Plat" recorded in Plat No. 2024-66, all of which was not included in the Edgewater Phase II Bond District Area Map, recorded in Plat No. 2007-477 in the ROD.

Exhibit B to Ordinance No. 2024-1897
Graphical Depiction of Added Parcels to be added within the Edgewater II Improvement District

The real property to be added within the Edgewater II Improvement District (the "Added Parcels") is shown below (shaded in red):





Ordinance No. 2024-1897
Page 2 of 2

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1897**
COUNTY OF LANCASTER)

AN ORDINANCE

TO ADD CERTAIN PROPERTY TO THE EDGEWATER II IMPROVEMENT DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

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

Section 1. Findings.

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

(a) Pursuant to the County Public Works Improvement Act, codified as Chapter 35 of Title 4 of the Code of Laws of South Carolina 1976, as amended (the "Act"), and Ordinance No. 834 enacted on July 30, 2007, as corrected and confirmed by Resolution No. 581 adopted on September 10, 2007 and as amended by Ordinance No. 2021-1764 enacted on October 25, 2021 (as so amended, the "Assessment Ordinance"), the County has created the Edgewater II Improvement District (the "District"), relating to an approximately 375-acre residential development known as "Edgewater II" (the "Development").

(b) Pursuant to a Multi-Party Agreement dated on or about December 8, 2021 (the "Multi-Party Agreement") among the County, the Lancaster County Forfeited Land Commission (the "Commission"), Craft Development, LLC, the original developer of the Development ("Craft"), True Homes, LLC, the current developer of the Development ("True Homes"), and U.S. Bank National Association, as trustee (the "Trustee") of certain assessment revenue bonds previously issued by the County to finance improvements within the District (the "Series 2007 Bonds"), the Commission acquired title to all of the parcels within the District from Craft in December 2021, and True Homes agreed to subsequently purchase such parcels from the Commission on a quarterly basis at agreed upon prices over approximately seven years, in order to develop such parcels and sell them to third-party end users; at the time of execution of the Multi-Party Agreement, it was expected that True Homes would develop approximately 1,059 individual lots, when fully platted and subdivided.

(c) True Homes and the Commission have advised the County that (1) over the course of the last two years, True Homes has worked with the County and the County's planning department with respect to certain land use and permitting issues related to the Development, including the siting and placement of infrastructure and platting of individual lots, and (2) due to the placement of certain road and utility easements within the Development and reconfigurations to create sellable lots within the Development consistent with the original development goals, namely approximately 1,059 individual lots, when fully platted and subdivided, it is necessary to include some land that was not originally intended to be (and presently is not) part of the District (as more particularly described in Exhibit A attached hereto, the "Added Parcels"). A graphical depiction or representation of the Added Parcels is shown in Exhibit B attached hereto.

(d) True Homes and the Commission estimate that the Added Parcels represents approximately 3.39 total acres, and have requested that the County make certain technical corrections to add the Added Parcels to the District, and amend the Assessment Ordinance and the assessment documents (namely the Assessment Roll, including the Rate and Method of Apportionment of Assessments, as amended and annually updated) approved and contemplated by the Assessment Ordinance (collectively, the "Assessment Documents"), to reflect the Added Parcels.

(e) As of the date of this Ordinance, based on information provided by the Commission and True Homes, as applicable, all of the Added Parcels are owned by the Commission and the Commission and True Homes constitute not less than a majority (by parcel) of the property owners within the District, which collectively represent not less than 66-2/3% of the assessed value of all real property within the District, and True Homes has been and remains in compliance with its obligations to purchase lots within the District.

(f) The County has received the written consent of the Commission (as current owner of the Added Parcels) and True Homes, which has contractual rights under the Multi-Party Agreement to acquire the Added Parcels, with respect to the addition of the Added Parcels to the District and the amendment and modifications described above and to the imposition of the non-*ad valorem* assessments upon the Added Parcels as contemplated by the Assessment Ordinance and the Assessment Documents.

(g) The County has been advised by David Taussig & Associates, Inc., the County's assessment consultant, that the addition of the Added Parcels to the District, in and of itself, does not change the Annual Assessment (as defined in the Assessment Documents) and will not reduce the amount annually billed and collected from Assessments (as defined in the Assessment Documents) on all parcels within the District.

(h) Based on the foregoing, the amendments to the Assessment Ordinance and Assessment Documents are necessary and appropriate and do not materially adversely affect the rights of the owners of the Series 2007 Bonds.

Section 2. Addition of Added Parcels to District; Amendment of Ordinance and Assessment Documents.

The Council does hereby approve the addition of the Added Parcels to the District. The Council further approves the amendment of the Assessment Ordinance and the Assessment Documents to reflect the Added Parcels and authorizes and directs the Chairman of the Council and the County Administrator, or either one of them acting alone, to take such actions as are necessary or desirable, with the advice from the County Attorney and bond counsel, to make such modifications to the Assessment Ordinance and the Assessment Documents, including any amendment, revision or restatement of one or more of the Assessment Documents. For the avoidance of doubt, all statements, findings and determinations in the Assessment Ordinance or the Assessment

Documents that relate to the District are hereby reaffirmed or remade based upon the District as modified by this Ordinance (e.g., the Added Parcels).

Section 3. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney, County Finance Director and all other appropriate officials of the County are authorized and directed to take such actions and do any and all things necessary or desirable in connection with the removal of the Excluded Parcels from the District, including the execution and delivery of any agreements, certificates, directions or other documents authorized or contemplated herein, to effect the purposes of this Ordinance.

Section 4. Severability.

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

Section 5. Controlling Provisions.

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

Section 6. Effective Date.

This Ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this ____ day of _____, 2024.

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 Merck-Dupont, County Attorney

First Reading:	April 22, 2024
Second Reading:	May 13, 2024
Public Hearing:	May 13, 2024
Third Reading:	May 28, 2024

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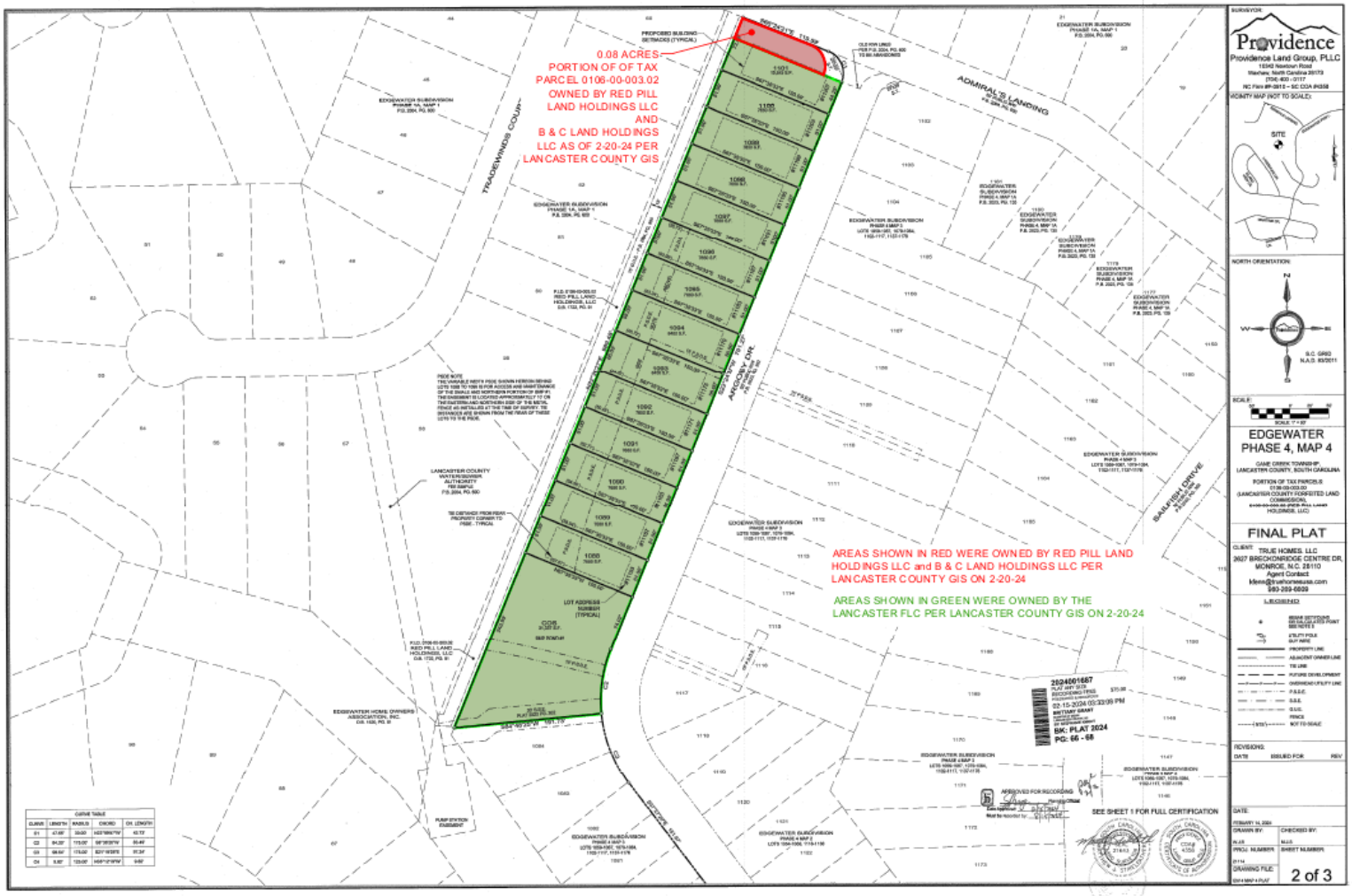
Exhibit A to Ordinance No. 2024-1897
Description of Added Parcels

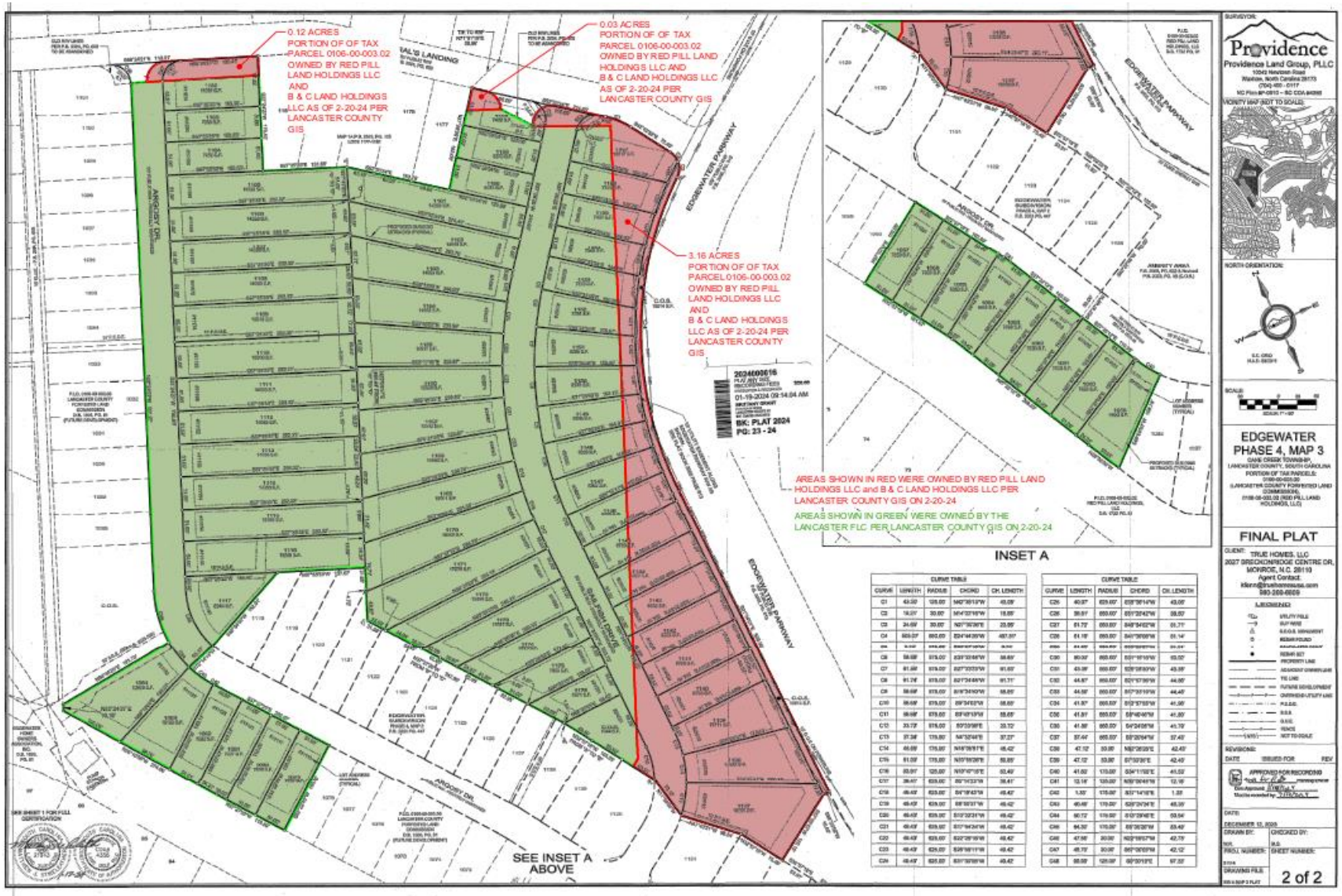
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Exhibit B to Ordinance No. 2024-1897
Graphical Depiction of Added Parcels to be added within the Edgewater II Improvement District

The real property to be added within the Edgewater II Improvement District (the "Added Parcels") is shown below (shaded in red):





Ordinance No. 2024-1897
Page 2 of 2

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, May 13, 2024, 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. 2024-1897**, an ordinance titled, **"AN ORDINANCE TO ADD CERTAIN PROPERTY TO THE EDGEWATER II IMPROVEMENT DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."** 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, 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 April 24th 2024.

SWORN to before me this 24th day of April, 2024

Ashley L Johnson

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

Ashley L Johnson NOTARY PUBLIC SOUTH CAROLINA

Newspaper Rep Signature Kristi Rea

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1899
Contact Person / Sponsor: Ginny Merck-Dupont / County Attorney
Department: Attorney
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Council is being asked to approve this Ordinance removing the current personnel policies and, then, on the 3rd Reading of the Ordinance, Council will also adopt new and updated personnel policies.

Strategic Plan Focus Area Alignment:

High Performance
Intentionally and intensely cultivate a culture of high performance throughout the County workforce.

Points to Consider:
Lancaster County's current personnel policy was adopted in September, 2010 with some revisions occurring later in 2010, 2012 and 2019. A revised personnel policy is being compiled in conjunction with the assistance of an outside labor and employment attorney in order to address an evolving workforce, as well as newly enacted or amended state and/or federal laws and to support South Carolina Retirement Systems and State Health Plan (PEBA – SC Public Employee Benefit Authority) policies.

The revised personnel policy will include approximately 39 additional and/or significantly altered policies from what was adopted in 2010.

The revised personnel policy will be presented to County Council for adoption via resolution, based on Council Retreat discussion, and March COW meeting, to allow for more expedient adoption and amendments as well as account for changes in employment law which are happening constantly.

The revised personnel policy will be proposed for adoption at the April 22, 2024 County Council Meeting.

This ordinance is a necessary step in the process to remove the current policies and then adopt the new policies in April.

Funding and Liability Factors:
The updating of the personnel policies have no funding or liability factors.

Recommendation:
Approve the Ordinance as written.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1899	3/27/2024	Ordinance

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1899**
COUNTY OF LANCASTER)

~~Indicates Matter Stricken~~
Indicates New Matter

AN ORDINANCE

TO AMEND THE LANCASTER COUNTY CODE, SPECIFICALLY CHAPTER 2, ARTICLE IV, RELATING TO THE LANCASTER COUNTY PERSONNEL POLICY.

WHEREAS, the Lancaster County Council wishes to amend the Lancaster County Code of Ordinances as it relates to the Lancaster County Personnel policy provisions; and

WHEREAS, the most current Lancaster County Personnel Policy was adopted by Lancaster County Council in September, 2010 with additional revisions occurring at the end of the 2010 calendar year and in calendar years 2012 and 2019; and

WHEREAS, as a result of an evolving workforce coupled with changing dynamics in the workplace and events such as the pandemic, an updated personnel policy is needed; and

WHEREAS, new personnel policy is also necessary in order to address newly enacted or amended state and/or federal laws as well as to support South Carolina Retirement Systems and State Health Plan (PEBA – SC Public Employee Benefit Authority) policies; and

WHEREAS, the Lancaster County Council wishes to adopt a new personnel policy which will better address the current practices of Lancaster County and which will better address an evolving workforce and ensure compliance with state and federal laws as well as South Carolina PEBA policies; and

WHEREAS, the Lancaster County Council will adopt a new personnel policy in accordance with South Carolina Code Annotated §4-9-30(7) via Resolution upon third reading of this Ordinance in order to ensure there is no lapse in personnel policies for Lancaster County.

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

Section 1. Chapter 2, Article IV, Sec. 2-133 is hereby amended as follows:

Sec. 2-133. - County personnel policy adopted by ~~ordinance~~ resolution.

The county administrator shall prepare, and as the need arises recommend amendments to, personnel policy document for Lancaster County Government. County council shall adopt such county personnel policy and amendments thereto by ~~ordinance~~ resolution.

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 resolutions, 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 _____, 2024.

<signature page follows>

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper
Chair, County Council

_____
Billy Mosteller
Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: April 22, 2024
Second Reading: May 13, 2024
Third Reading: May 28, 2024

Approved as to form:

_____
Virginia L. Merck-Dupont, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1893
Contact Person / Sponsor: A. Hardin / Planning
Department: Planning
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Approve three readings of Ordinance 2024-1893 in order to address Council's concerns and change the Unified Development Ordinance (UDO) in Chapter 2 to amend nonmetallic mineral product manufacturing from a use permitted with review to a conditional use and to invoke the pending ordinance doctrine.

Strategic Plan Focus Area Alignment:

Points to Consider:
This action is a result of County Council's discussion and concern for the establishment of asphalt plants in the heavy industrial zoned parcels without additional review, particularly by County Council.

Adding the conditional use requirement to these types of manufacturing would assure that County Council would have a review and final determination for this type of use.

This ordinance is under the "Pending Ordinance Doctrine" which prohibits the issuance of any new non-metallic mineral manufacturing permit until such time as the conditions are set and approved by 3rd reading of the ordinance.

Funding and Liability Factors:
Potential funding requirements for enforcement depending upon the conditions that Council selects for the use.

Recommendation:
Discuss the progress to date and determine if the separation requirement should be reset to 2,640 feet (from 500 feet), if additional requirements for air quality related topics (odor, vapors) should be included and how they will be addressed, and if compliance agreements can be enforced in a meaningful way.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1893	4/26/2024	Ordinance
Recap of April Presentation	5/6/2024	Backup Material
Planning Commission Staff Report	5/6/2024	Planning Staff Report
River Buffer - 1 Mile	5/6/2024	Exhibit
River Buffer - 2 miles	5/6/2024	Exhibit
River Buffer - 3 Miles	5/6/2024	Exhibit
River Buffer - 4 miles	5/6/2024	Exhibit
River Buffer - 5 Miles	5/6/2024	Exhibit
Kershaw County Code	5/6/2024	Backup Material
DHEC GCM Asphalt Plan Air Quality Permit Limits	5/6/2024	Backup Material

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1893**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ("UDO") CHAPTER 2 TO AMEND "NONMETALLIC MINERAL PRODUCT MANUFACTURING" FROM A USE PERMITTED WITH REVIEW (PR) TO A CONDITIONAL USE, AND TO INVOKE THE PENDING ORDINANCE DOCTRINE SO THAT NO PERMIT SHALL BE ISSUED THAT WOULD BE IN CONFLICT WITH THE PROPOSED ZONING CHANGES AS SET FORTH HEREIN

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) There is an interest in the business community to install a nonmetallic mineral product manufacturing facility in the Lancaster area to serve the construction industry locally.
(c) There is interest from the general public to prevent nonmetallic mineral product manufacturing operations in proximity to residential zones.
(d) The Pending Ordinance Doctrine, as defined and applied by the South Carolina Supreme Court in the case of Sherman vs. Reavis 273 S.C. 542, 257 S.E.2d 735, and as adopted and applied by the state courts in other decisions, is hereby invoked to preclude issuance of any permits that are in conflict with the intended zoning changes in this ordinance.
(e) The text amendment is consistent with the applicable provisions 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.
(f) Lancaster County Planning Commission will hold a public hearing and consider the issue at their February 20, 2024 meeting and will convey their report to the County Council prior to a third/final reading of this ordinance.

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

Ordinance 2016-1442 (Unified Development Ordinance), is amended as follows:

CHAPTER 2, SECTION 2.5.3.D USE TABLE - COMMERCIAL/ENTERTAIN INDUSTRY/WHOLESALE/STORAGE

–Change "Nonmetallic Mineral Product Manufacturing" from a ~~Use Permitted with Review (PR)~~ to a Conditional Use in HI zones.

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.

In addition, in furtherance of the above stated findings, County Council declares that the Pending Ordinance Doctrine is invoked and the directions to staff are effective upon first reading, and the ordinance of such direction shall be effective upon third reading, and may only be revoked by a legislative act of equal dignity.

Section 5. Effective Date.

Per the Pending Ordinance Doctrine, this ordinance is in effect as of first reading, and is adopted into the Unified Development Ordinance effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: February 12, 2024
Second Reading: May 13, 2024
Public Hearing: May 28, 2024
Third Reading: May 28, 2024

Approved as to form:

_____
Virginia Merck-Dupont, County Attorney

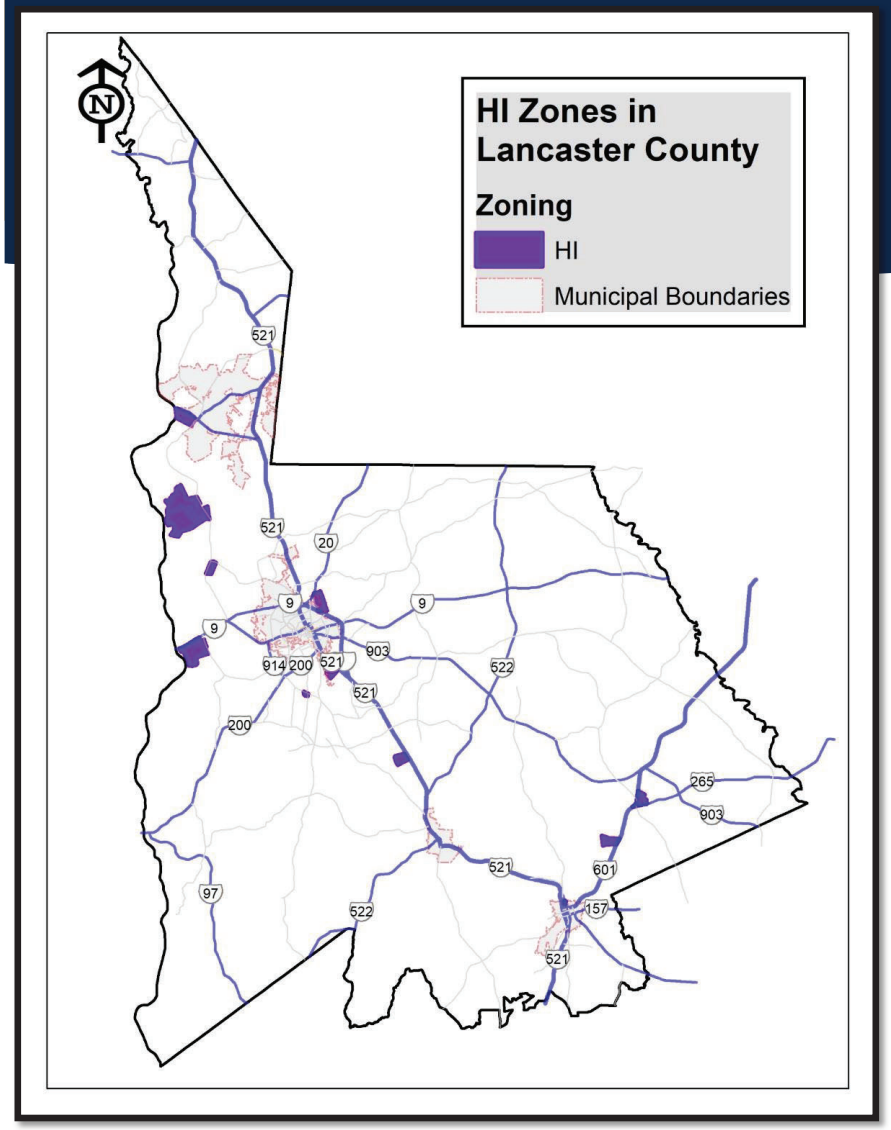
Lancaster County
South Carolina

5. Public Items

d.)**TA-2024-0162 Non-Metallic Mineral Manufacture Conditional Use**

Application at direction of Council, to change the newly approved Use at UDO 5.9.17 "Non-metallic Mineral Manufacture" from a "Permitted with Review" use per Use Table 2.5, to a Conditional Use.

Overview



Proposal

- Amend the UDO to convert "nonmetallic mineral product manufacturing" use in the HI districts from "Permitted with Review" to "Conditional Use."

Applicant

- Lancaster County

Intent

- To add two legislative review opportunities to the process required to secure a permit for nonmetallic mineral product manufacturing, based on input from the public.

Lancaster County
South Carolina

Activities to Date

- **October/November 2023:** Private property owner requested a text amendment to the UDO, separating "nonmetallic mineral product manufacturing" from "restricted industry" classification and create new conditions for the review of nonmetallic mineral product manufacturing uses. Planning Commission held a public hearing, and recommended denial.
- **December 2023/January 2024**: County Council reviewed the proposal and received public input. Discussions among Council included options in the future for more control over the use. Staff investigated and developed an ordinance that would achieve this for future uses.
- **February 2024:** County Council gives 1st reading to an ordinance to amend nonmetallic mineral product manufacturing from "permitted with review" to "conditional use." During the review the Council discussed interest in amending the conditions.
- **March 13, 2024:** Council gives some ideas to staff and asks for additional information.
- **April 8, 2024**: Council gives staff feedback and asks for additional information.

Lancaster County
South Carolina

Last COW Meeting

Options Discussed Included:

- *Reverting separation back to 1,320 ft between residential/educational/civic uses*
- *Evaluating a distance buffer from the Catawba River*
- *Discussion of what DHEC regulates:*
  - *Air quality*
  - *Groundwater*

Also Requested:

- *What would it cost Lancaster County to increase the code review for options*

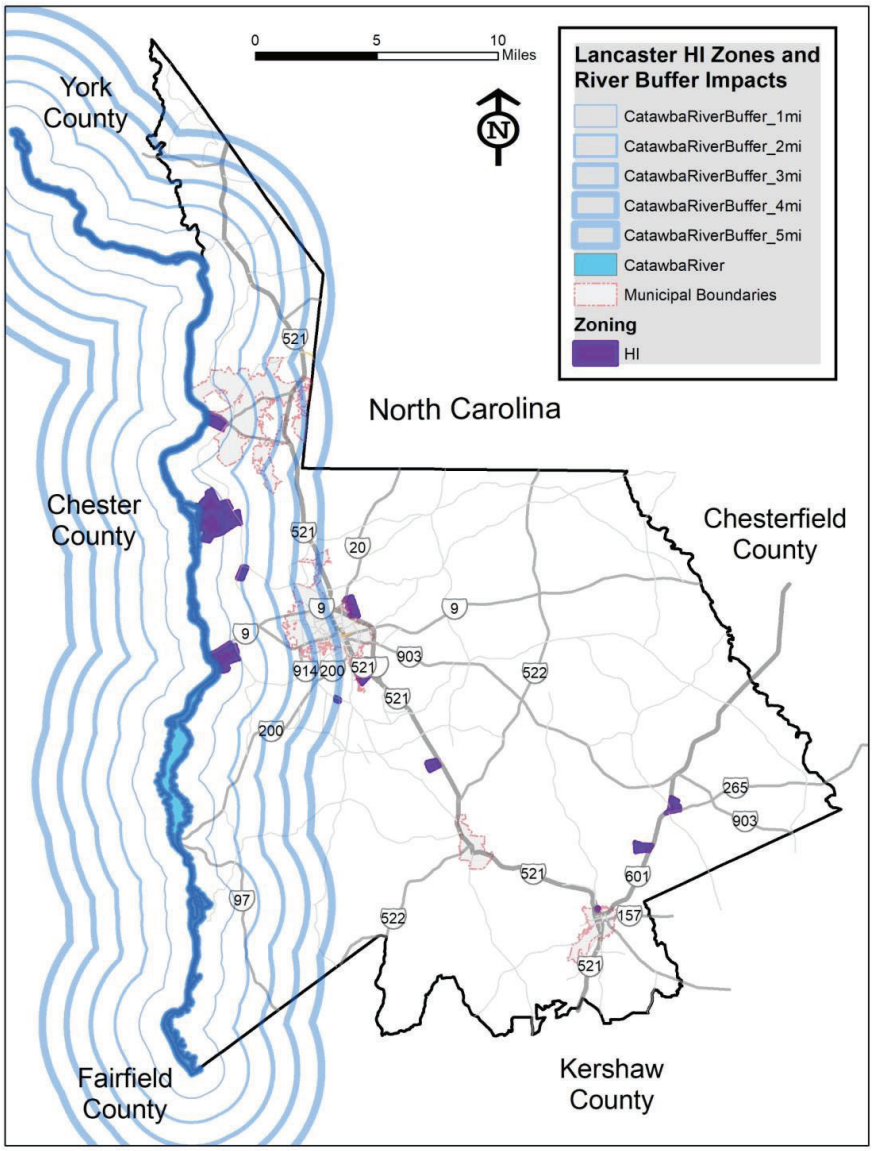
Lancaster County
South Carolina

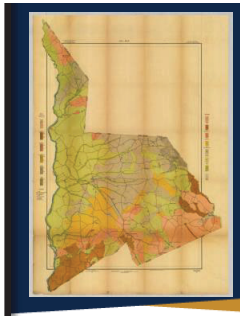
Separations

	Separation from Res/Edu/Civic	Separation from Water Bodies
Lancaster County		
Current	500 ft	None
Previous *(Under Restricted Industry)*	2,640 ft (1/2 mile)	None
Other Counties		
Chester County	150 ft	None
Horry County	500 - 1,000 ft	None
Kershaw County	40 ft	None
York County	500 ft	500 ft

Separations

- Separations are different from buffers and setbacks, in that the use has to be located a specific distance from protected uses (residences, schools, civic buildings, sometimes businesses as well)
- Previously, asphalt plants were considered "industry, restricted" which has a ½ mile separation requirement
- "Industry, restricted" covers other uses and still requires a ½ mile separation requirement from protected land uses
- Capacity exists to monitor and enforce separations

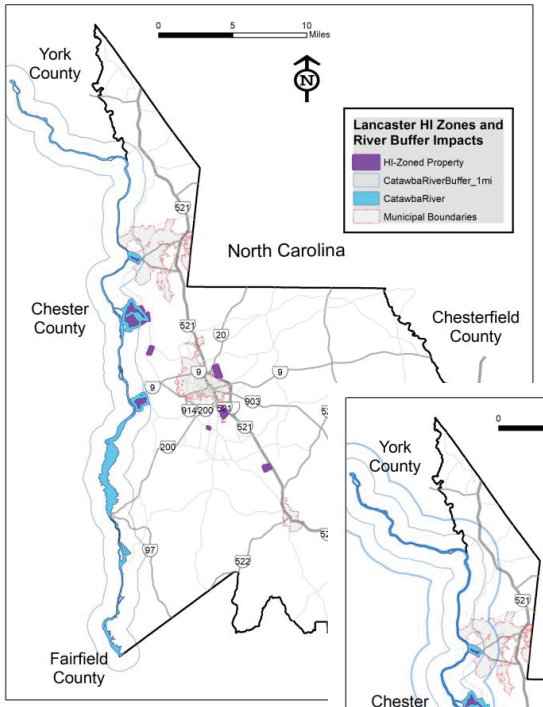


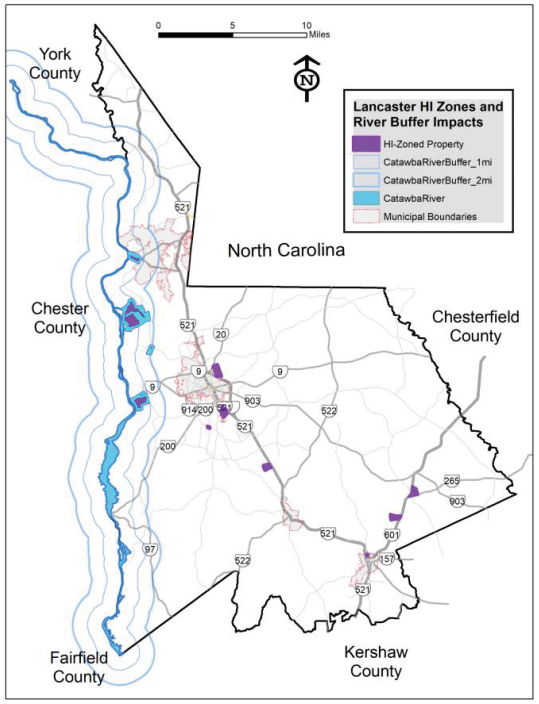


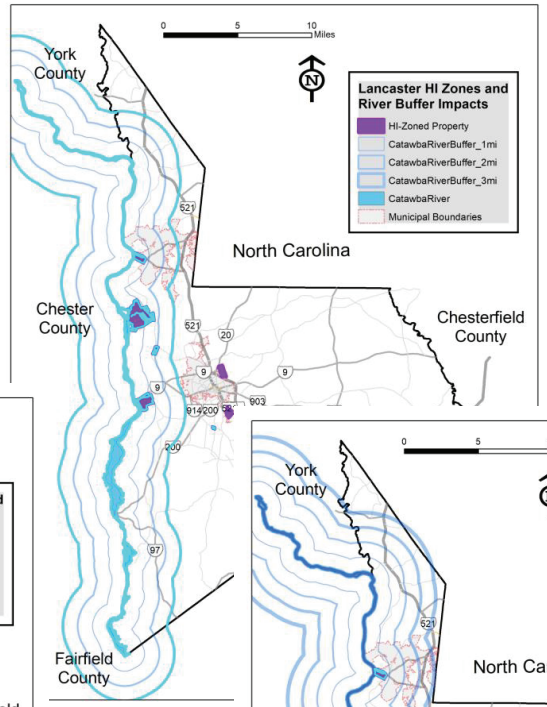
Distance from Catawba River

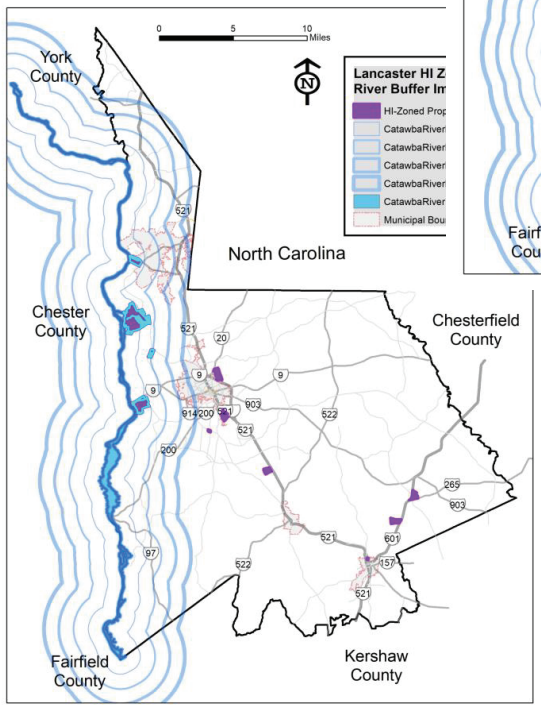
Soil and Groundwater Information

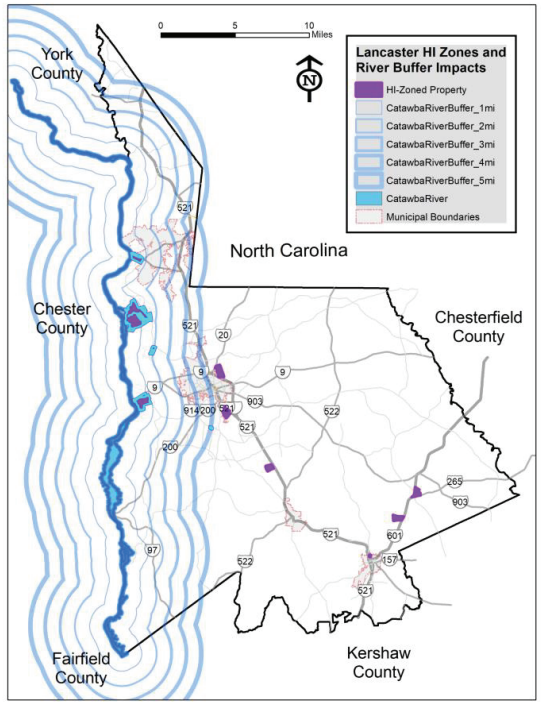
- Soils around the Catawba River are mostly clay, sand, loam, and silt (such as Cecil, Davidson, and Mecklenburg soils)
- These soils range from slow to medium permeability, which have filtration rates of 0.6 inches per hour to 2.0 inches per hour
- Min 0.6 x 24 = 14.4 inches/day = 12.05 years to 1 mile
- Max 2.0 x 24 = 48 inches/day = 3.62 years to 1 mile
- Stormwater staff monitors water bodies once per month and could include any water bodies within a specified range of the operation











Buffer Study

Lancaster County
South Carolina

Air Quality

Construction Permit Emission Threshold & Permitting Table

Regulated Air Pollutants	Common Operations	Emission Level Exemption	Minor Source Emission Thresholds Minor Construction Permit	Major Source Thresholds Synthetic Minor (SM) Construction Permit Limit	Major Source Emission Thresholds (PSD) Construction Permit	Major Source Emission Thresholds (112g) Construction Permit	Minor Construction Permit Permit Review & Public Notice (PN) Regulatory Timeframe	SM Construction Permit Permit Review & Public Notice (PN) Regulatory Timeframe	PSD Construction Permit Permit Review & Public Notice (PN) Regulatory Timeframe	112(g) Construction Permit Permit Review & Public Notice (PN) Regulatory Timeframe
Carbon Monoxide (CO)	Combustion devices	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
Particulate Matter PM	Sandblasting, woodworking	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
PM_{10}	Fuel combustion, sanding operations	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
$PM_{2.5}$	Mining operations, fuel combustion	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
Nitrogen Oxides (NO_x)	Combustion devices	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
Sulfur Dioxide (SO_2)	Fuel oil, boilers	PTE < 5TPY	PTE < 250 or 100 TPY**	PTE < 250 or 100 TPY**	PTE ≥ 250 or 100 TPY**	N/A	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	270 days/PN Expedited*** 120 days/PN-Non Class 1 Area 150 days/PN-Class 1 Area	N/A
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Hazardous Air Pollutant (HAP): Single Hap **(each HAP calculated separately)** www.epa.gov/ttn/atw/pollsour.html	Printing operations, textile operations		PTE < 10 TPY	PTE < 10 TPY	N/A	PTE ≥ 10 TPY	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	N/A	105 days/PN
Multiple HAPS: (All HAP emissions summed together)	Chemical batch operations		PTE < 25 TPY	PTE < 25 TPY	N/A	PTE ≥ 25 TPY	90 days/No PN Expedited*** 30 days/No PN	90 days/PN Expedited*** 65 days/PN	N/A	105 days/PN

Criteria Pollutants (CO, NOX, SO2, Particulate Matter, Lead, VOC) are common and emitted in relatively large quantities by a variety of sources.

PTE: Potential To Emit

* Sources of VOCs greater than 1,000 lb/month may be exempt on a case by case basis.

** Sources that are one of the 28 source categories defined in the PSD Regulations have a threshold of 100 tons per year, including fugitive emissions. All other sources have a threshold of 250 tons per year. If your facility has proposed emissions at or greater than the 100/250 TPY threshold and are not taking limits, please contact BAQ to discuss.

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- DHEC monitors air quality and issues permits under the General Conditional Major (GCM) permit
- DHEC enforces EPA regulations in-state and has higher standard for source testing
- Thresholds for for Hazardous Air Pollutants (HAPs) are significantly lower than general pollutants
- The entire state of South Carolina is currently attaining all the EPA's health-based national air quality standards

- Currently no capacity to regulate and enforce air quality monitoring

Lancaster County
South Carolina

Options and Capacity

Option	*Capacity Exists?*	*Requires*
Re-set separation between NMPM operations to 1/2 mile	Yes	Site plan review
Periodic stream testing within a measure from the site for contaminants	Yes	Stormwater staff assistance, possible new staff to cover south of Hwy 5
Require annual testing of nuisances relating to operations	Yes	Requirement for operator to turn in reports;
Require a compliance guarantee	Yes	Staff review and legal team if compliance fails
Restrict hours of operation	Potentially	Observation and/or response to complaints
Implement odor mitigation requirement	Not currently	Agreements, ability of County to fine and/or cease operations if violated
Implement stricter air quality standards	No	Air testing, staffing, scientific assistance with code draft

PROPOSAL:	Amend Unified Development Ordinance (UDO) to change Non-metallic Mineral Manufacture: from "Permitted with Review" to "Conditional Use" status.
APPLICABLE CHAPTER(S):	Use Table 2.5 and Section 5.9.17
APPLICANT:	Planning Department on behalf of County Council
NOTICE:	Published in Lancaster News 5/4/2024 Agenda published 5/14/2024 Agenda Posted in Lobby 5/14/2024

BACKGROUND:
In October 2023, KCH Real Estate (Kim Lineberger) petitioned for a text amendment to the UDO, and in January 2024, County Council approved Ordinance 2023-1879 that added 'Non-metallic Mineral Manufacture" as a "permitted with review" use under HI (Heavy Industrial) zoning, and adopted a set of requirements for the review. As a result of public input on the topic, Council discussed and eventually directed staff to prepare a second ordinance that would change the use from "permitted with review" to "conditional use."

REQUEST: To change the use status of the defined use "Non-metallic Mineral Manufacture" from "Permitted with Review" to "Conditional Use" status. This would require future applicants to submit a Conditional Use Application for review and referral by Planning Commission, and final approval by Council upon issuing a Resolution allowing the use.

RELEVANT CODE CITATIONS:

The purpose of the Conditional Use application is described in the UDO:

9.2.16 CONDITIONAL USE

The County Council may from time to time approve Conditional Use permits.

A. APPLICATION PROCEDURES

1. **Process Type:** Legislative.
2. **Applicants:** Conditional Use permits may be submitted by any of the following:

- Any owner of property within the land use jurisdiction of the County.

3. **Pre-Application Procedure:** Before filing a petition for a Conditional Use, an applicant shall meet with the Administrator to discuss the proposed Conditional Use request and to become more familiar with the applicable requirements and approval

procedures of the County.

4. **Content of Application:** A petition for a Conditional Use shall be filed on a form provided by the Administrator. Such a petition shall contain all the information required on the form and must be determined to be complete by the Administrator prior to advancing it through the review process.

5. **Determination of Completeness:** Staff shall review an application for a Conditional Use to determine if it is complete. If an application is complete, the Administrator shall schedule the matter for consideration at a meeting of the Planning Commission. The Administrator shall prepare a staff report and recommendation on the matter.

B. REVIEW BY PLANNING COMMISSION

1. **Public Notification (Prior to Planning Commission):** Levels 1, 2, and 3 are required for Conditional Use applications. **Neighborhood Meeting:** Optional.

2. **Consideration by Planning Commission:** The Planning Commission shall conduct a public hearing and receive public input on the proposed use and shall provide a written recommendation to the County Council regarding whether to approve or deny the proposed use within 35 days of its first consideration on the matter. The recommendation shall address consistency with Chapter 5 and the surrounding neighborhood and other matters deemed appropriate by the Commission. A recommendation for denial of the petition shall not preclude consideration or approval of the proposed use by the County Council.

C. CONSIDERATION BY COUNTY COUNCIL

1. **Public Notification (Prior to Planning Commission):** Level 1 and 2 are required for all conditional uses to the UDO. Level 3 is required for all amendments to the UDO that involve a specific parcel of land. Such actions include, but are not limited to Conditional Use.

2. **Consideration by the County Council:** Following receipt of a recommendation of a proposed amendment, the County Council may:

   a. Approve the proposed use.

   b. Approve the proposed use with restrictions.

   c. Reject the proposed use.

   d. Refer the proposed use back to the Planning Commission for further consideration.

(Ord. No. 2018-1521, 7.16.18)

D. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

When an application for a use has been approved or denied by the County Council, no application shall be considered on the same issue within the next 12 months after approval or denial.

The code adopted for Nonmetallic Mineral Manufacturing operations was adopted as follows:

CHAPTER 10.3 DEFINITIONS, USE TYPE

Nonmetallic Mineral Product Manufacturing: Uses as described in the North American Industry Classification System (NAICS) group 3200.

CHAPTER 5 USE REGULATIONS, SECTION 5.9 INDUSTRY/WHOLESALE/STORAGE USES

5.9.17__ Nonmetallic Mineral Product Manufacturing [HI]

A. Permitted Industrial and Manufacturing Activities: Nonmetallic Mineral Product Manufacturing as described in the North American Industry Classification System (NAICS) group 3200. This land use activity includes facilities that engage in the recycling, storage, processing, resale, or reuse of recovered materials and are not classified as a Class III Landfill.

B. Permitted Location and Size
   1. Such uses shall be exclusively located in the HI zoning district.
   2. Such uses shall be sited on a parcel(s) of not less than 6 acres.

C. Separation Requirements
   1. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from: Any lots located in the LDR, MDR, HDR, MH, RMX, MX, IMX, BP, and INS zoning districts; and
   2. A nonmetallic mineral product manufacturing use shall be located at least 500 feet from any lots containing residential dwelling units, schools, day care centers, religious facilities, public parks, and designated historic districts and landmarks, whether or not such lots are located in the incorporated or unincorporated area of Lancaster County.

D. Required Setbacks

   All elements of the nonmetallic mineral product manufacturing facility, including structures, buildings, equipment, parking areas, and access roads, shall be located at least 75 feet from all property lines; except that access roads may cross the 75- foot setback area and utilities may be located within the 75-foot setback area.

E. Screening

A minimum 8ft. tall opaque buffer of no less than 50ft in width consisting of 18 trees and 36 shrubs per 100 linear feet will be placed between adjoining properties. Buffer can be placed within required setbacks.

F. Vehicular Access

Vehicular access to the site of all nonmetallic mineral product manufacturing uses shall be located on an arterial or major collector road, or on a road improved to necessary industrial capacity as determined by the Administrator.

G. Dust Reduction Measures

Nonmetallic mineral product manufacturing facilities shall employ dust reduction measures to minimize on-site and off-site dust nuisance generated by the manufacturing use. These measures may include but are not limited to: (A) Utilization of stabilized roadways within the site; (B) On-site speed limits to minimize disturbance; and (C) Application of water and other dust palliatives.

H. Outdoor Storage

1. All materials stored outdoors must follow the separation requirements in 5.9.17.C.
2. All materials must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas or the separation buffers.
3. All materials shall be stored and maintained so as to not create environmental hazards that may pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

CHAPTER 2, SECTION 2.5.3.D USE TABLE - INDUSTRY/WHOLESALE/STORAGE – add "Nonmetallic Mineral Product Manufacturing" as a Use Permitted with Review (PR) in HI zones.

THE PENDING ORDINANCE DOCTRINE

During the conversations with the public, it became clear that while the majority of County Council approved of the proposed location for the Lineberger operation and that there were no Heavy Industrial (HI) zones north of Hwy 5, other members of Council wanted an option to prevent potential nonmetallic mineral manufacturing operations being located near Indian Land. This led to the Council instructing staff to look for ways to change the ordinance in such a way that would not leave a large window of time open during the legislative process.

Staff advised Council that there was a policy known in South Carolina as the "pending ordinance doctrine" that allowed local jurisdictions to essentially put an ordinance into effect after the

first reading by the elected body, even though the ordinance wasn't officially adopted yet. It gives the local jurisdiction time to process the legislative steps for changing a law without the risk of an applicant slipping in a permit request for the thing the application is trying to change.

> *The pending ordinance doctrine was enacted by the South Carolina Supreme Court in a decision issued in 1979. In that decision, the Supreme Court held that a jurisdiction could properly refuse a building permit for a land use when such use was in direct violation to a pending and later enacted zoning ordinance. The Supreme Court held that in order for the pending ordinance doctrine to apply, the ordinance must be "pending" at the time of the permit application in order to be able to deny the permit.*
>
> *There are two conditions to applying the pending ordinance doctrine: the meeting has been properly notified (public notice has been made), and some official action is undertaken. The Court was vague in defining what official action must be undertaken, which has led to several jurisdictions enacting ordinances which adopt the pending ordinance doctrine outright and applying it to any rezoning. Other jurisdictions, which have not codified the pending ordinance outright, include pending ordinance doctrine verbiage in any ordinance(s) they may be considering relative to rezoning matters. This can be met by stating the intent to invoke the doctrine at first reading.*

With this advice, Council instructed staff to bring an ordinance that changed the nonmetallic mineral manufacturing use from "permitted with review" to "conditional use" and include language invoking the pending ordinance doctrine. Staff did this, and the Council gave the ordinance first reading. Council then instructed staff to continue with the legislative processes required for ordinances, including a public hearing and review with the Planning Commission. Staff advised the Council that the public hearing with the Planning Commission had been advertised and set for February 20, 2024. This meeting was held, and the public hearing continued through subsequent meetings.

COUNCIL DISCUSSIONS

County Council met in March and April, providing staff input regarding potential conditions for future nonmetallic mineral product manufacturing uses, as well as the County's capacity to enforce them. The Council reviewed and commented on the following conditions:

SEPARATIONS

Separations are different from buffers and setbacks, in that the use has to be located a specific distance from protected uses (residences, schools, civic buildings, sometimes businesses as well). Previously, asphalt plants were considered "industry, restricted" which has a ½ mile separation requirement. When nonmetallic mineral product manufacturing was separated as a

use, the 2,640-ft separation requirement was reduced to 500 feet for nonmetallic mineral product manufacturing uses. "Industry, restricted" remains a use in the code that covers other uses and still requires a ½ mile separation requirement from protected land uses.

CAPACITY
Staff has the capacity to enforce the separation requirements, which are handled in the permit review process.

OTHER JURISDICTIONS

	Separation from Residential/ Education/Civic Uses	**Separation from Water Bodies**
Lancaster County		
Current	500 ft	None
Previous *(Under Restricted Industry)*	2,640 ft (1/2 mile)	None
Other Counties		
Chester County	150 ft	None
Horry County	500 - 1,000 ft	None
Kershaw County	40 ft	None
York County	500 ft	500 ft

COUNCIL INPUT
Council asked for information on how the half-mile separation requirement would impact the 52 properties currently zoned HI. Staff has evaluated those properties and the information is attached to this report.

DISTANCE FROM THE CATAWBA RIVER

Protecting the Catawba River is a priority for the residents of Lancaster County, as shown in the *Lancaster 2040 Comprehensive Plan.* Council asked staff to evaluate the appropriateness of a buffer from nonmetallic mineral product manufacturing uses and the river, up to five miles.

BASIS FOR DISCUSSION

Staff based recommendations on water quality issues, including surface water and groundwater.

- Surface water: Staff evaluated the issues related to surface water pollution and determined that the collection pond requirements for the NPDES permitting solutions would address most surface water runoff issues by collecting the water into a stormwater BMP. The water would then stay in the BMP until released based on the BMP design.
- Groundwater: Staff evaluated groundwater with more diligence, knowing that any pollution that made it into the stormwater BMPs would eventually make it to the ground.
    - Soils around the Catawba River are mostly clay, sand, loam, and silt (such as Cecil, Davidson, and Mecklenburg soils).
    - These soils range from slow to medium permeability, which have filtration rates of 0.6 inches per hour to 2.0 inches per hour.
        - Min 0.6 x 24 = 14.4 inches/day = 12.05 years to 1 mile
        - Max 2.0 x 24 = 48 inches/day = 3.62 years to 1 mile

Staff created maps showing what buffers would look like from the Catawba River, using 1-mile intervals. The maps are attached to this report.

CAPACITY

Stormwater staff already monitors water bodies once per month and could include any water bodies within a specified range of the operation. This may include staff from the Indian Land Service Center traveling out of their service area to provide monitoring services south of Hwy 5.

OTHER JURISDICTIONS

LCWSD already has a 100-ft buffer from the riverbanks before any construction may be instituted.

COUNCIL INPUT

When asked, staff advised that a one-mile buffer from the Catawba River would likely be sufficient, as long as it is paired with a monitoring program for streams in the vicinity of any proposed nonmetallic mineral product manufacturing site.

AIR QUALITY

Following Council questions, staff contacted DHEC to ask air quality controls enforced by the state. The following points were reported to Council:

- DHEC is the monitoring agency that enforces EPA regulations in the state.
- DHEC monitors air quality and issues permits on behalf of EPA under the General Conditional Major (GCM) permit.
- DHEC enforces EPA regulations in state and has a higher standard for source testing.
- Thresholds for Hazardous Air Pollutants (HAPs) are significantly lower than general pollutants (meaning the regulations are more strict).
    - Hazardous air pollutants, also known as toxic air pollutants or air toxics, are those pollutants that are known or suspected to cause cancer or other serious health effects, or adverse environmental effects.
    - EPA works with state, local, and tribal governments to reduce air emissions of 188 toxic air pollutants to the environment. The full list is available on the EPA website via https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications.
- According to annual reports, the entire state of South Carolina is currently attaining all the EPA's health-based national air quality standards.

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CAPACITY

Staff does not have the capacity to monitor air quality nor the enforcement tools necessary to compel compliance. Those tools lie with the state.

OTHER JURISDICTIONS

Kershaw County is the only jurisdiction in our study that included airborne nuisance regulations in their local code. They address air pollution, fumes and vapors, and odors:

3:3.18-4 Air Pollution
The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) and the SCDHEC Air Operating Permit. Air pollution emanating from construction activities shall be governed by the SCDHEC Air Construction Permit.

3:3.18-5 Odor
There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

3:3.18-7 Fumes and Vapors
There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

(Kerhsaw County Manufacturing Facilities Code, 3:3.18)

When asked if the County had any mechanism to enforce the regulations, the county staff admitted that they had not been challenged yet. To date, they have required DHEC permits before finalizing local permit processes and placed the DHEC permits in the file.

COUNCIL INPUT
Council showed interest in requiring a type of guarantee for DHEC compliance in the future permitting processes and to revisit potential odor regulations.

COMPLIANCE STATEMENTS AND REPORTS

In discussion with Kershaw County staff, they indicated that part of the permit application was a document that acknowledges that the applicant has read all of the requirements in the Kershaw County code that apply to the use, and that the applicant declares that the operation will not violate the applicable codes. Staff indicated this statement is required in order to avoid any claims of "not knowing" the use was regulated locally as well as by the state and federal agencies involved.

Additionally, Kershaw County staff required reports from the use operators to ensure that the emissions, noise, vibrations, etc were in code compliance.

From Kershaw County code:

> *The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use, and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. (Kerhsaw County Manufacturing Facilities Code, 3:3.18)*

CAPACITY

Staff has the capacity to create and enforce compliance statements. Staff is also able to require and review annual reports that show self-testing; contractors with experience in operating such uses could be hired to review the reports for any technical issues or early warning indicators.

COUNCIL INPUT

Council was generally in favor of adding this to the list of conditions for nonmetallic mineral product manufacturing uses.

SUMMARY TO DATE:

Option	*Capacity Exists?*	*Requires*
Re-set separation between NMPM operations to 1/2 mile	Yes	Site plan review
Periodic stream testing within a measure from the site for contaminants	Yes	Stormwater staff assistance, possible new staff to cover south of Hwy 5
Require annual testing of nuisances relating to operations	Yes	Requirement for operator to turn in reports;
Require a compliance guarantee	Yes	Staff review and legal team if compliance fails
Restrict hours of operation	Potentially	Observation and/or response to complaints
Implement odor mitigation requirement	Not currently	Agreements, ability of County to fine and/or cease operations if violated
Implement stricter air quality standards	No	Air testing, staffing, scientific assistance with code draft

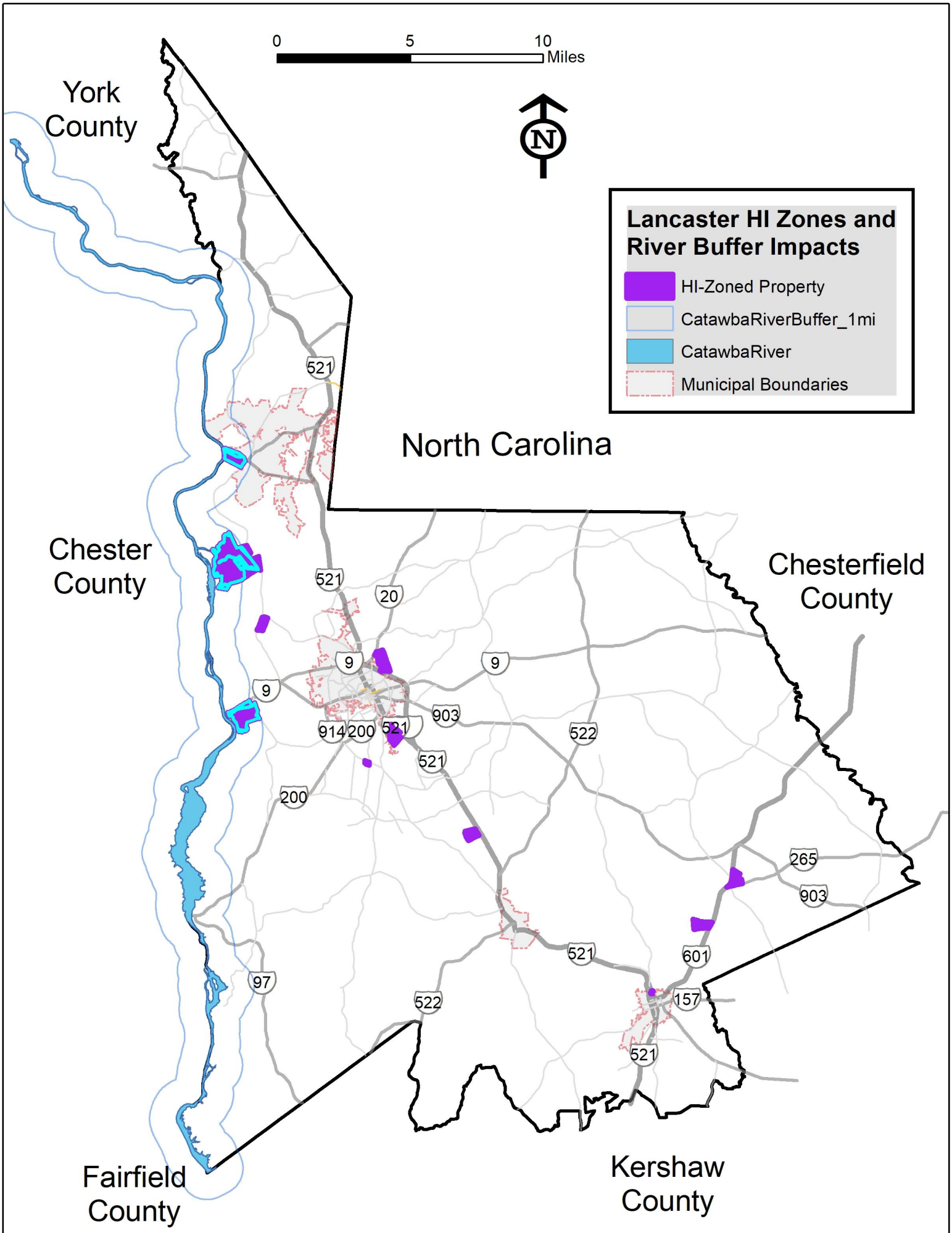
Proposed changes highlighted and underlined.

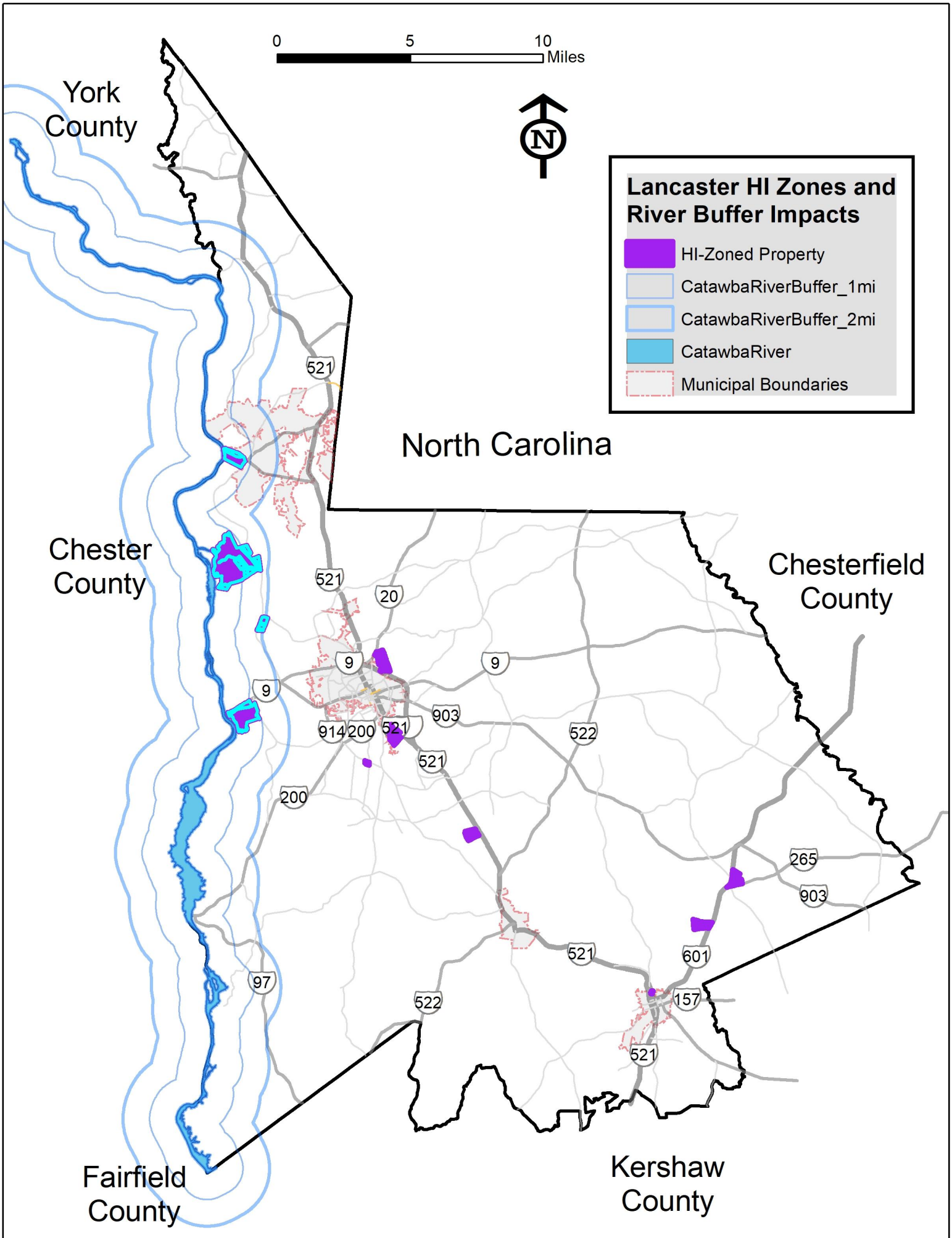
CHAPTER 2, SECTION 2.5.3.H USE TABLE –

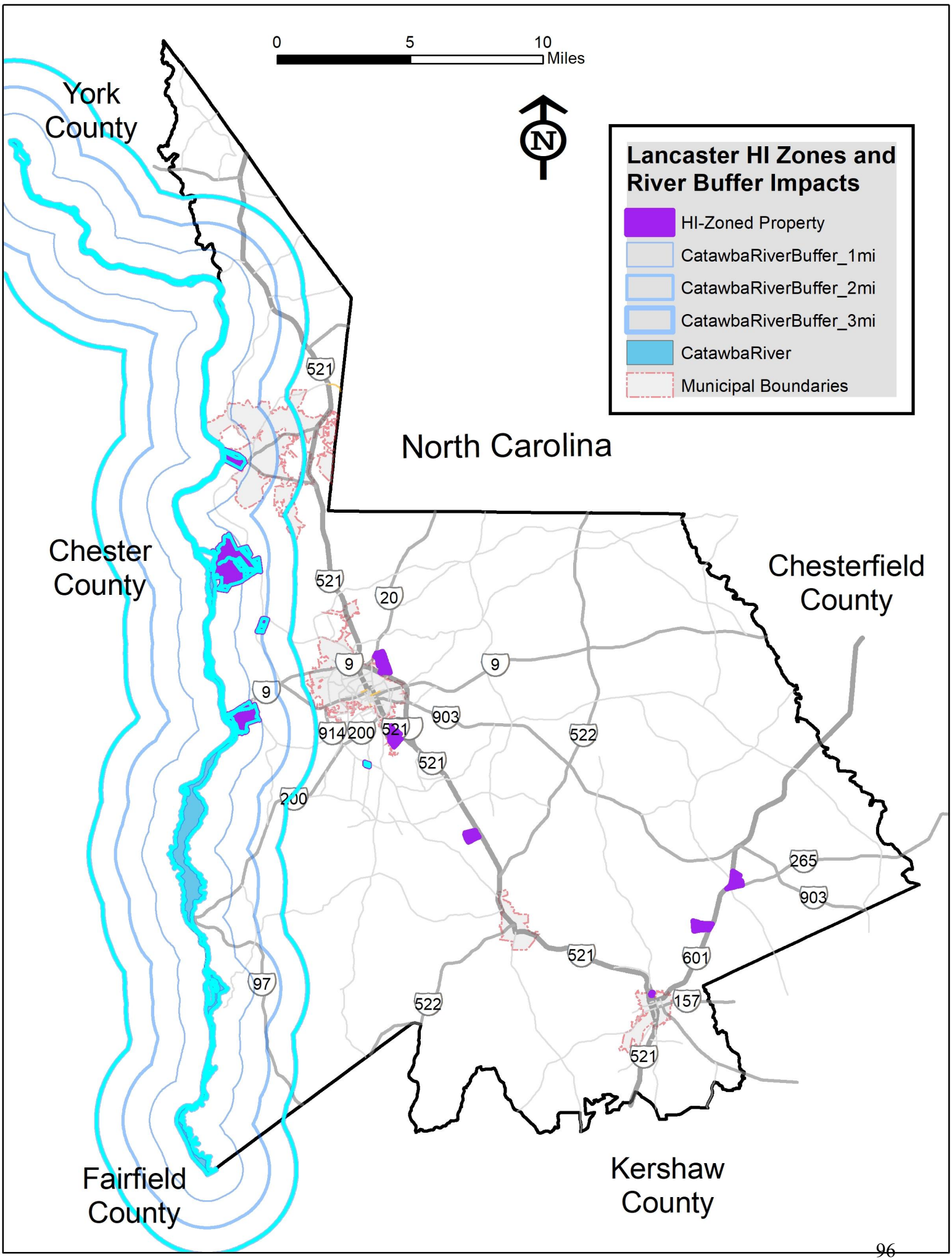
H. INDUSTRY/WHOLESALE/STORAGE	HI	REF
Non-metallic Mineral Manufacture	~~PR~~ CU	5.9.17

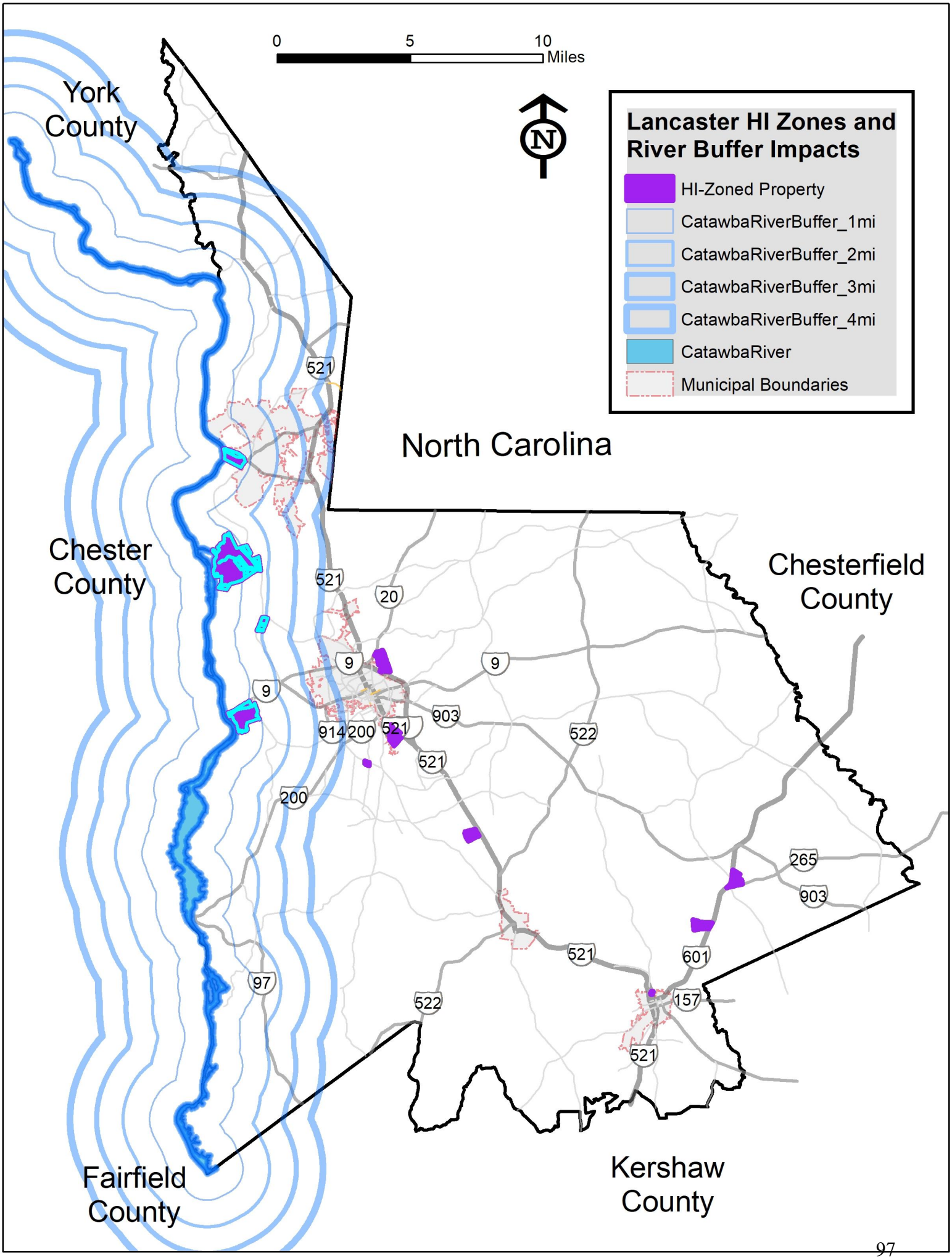
STAFF CONTACT:

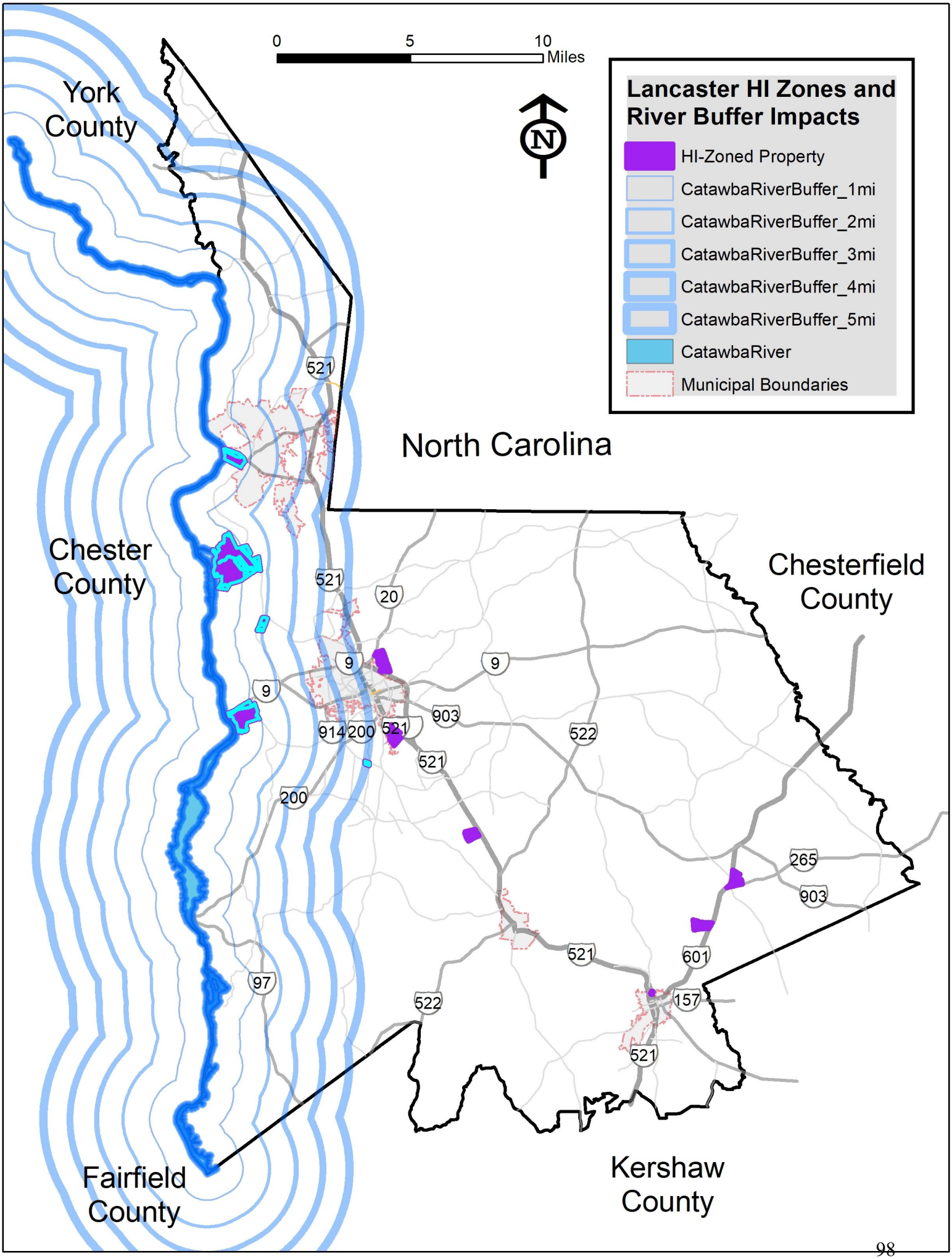
Allison Hardin, Development Services Director | ahardin@lancastercountysc.net


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CatawbaRiver
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Chesterfield County
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3:3.18 Manufacturing Facilities

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises. The Planning and Zoning Commission or the Planning Official, as applicable, may require additional restrictions based on proximity to schools, churches, residential areas, etc. Furthermore, the Planning and Zoning Commission may require that an engineer certify that the proposed project will not violate the restrictions listed herein.

3:3.18-1 Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following velocity levels, measured with a vibration monitor in inches per second at the nearest:

A. Residential property line: 0.02
B. Non-residential property line: 0.10

3:3.18-2 Fire and Explosives

All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment, as prescribed in the applicable building codes.

3:3.18-3 Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in the night time and day time schedules below in any octave band or frequency. Sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to American National Standards Institute (ANSI) type 2 standards.

A. **Night Time Schedule**
   Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.:

Table 3-7 MAXIMUM CONTINUOUS SOUND PRESSURE LEVELS - NIGHT TIME

Frequency Band (In Cycles per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20-75	69	65
76-150	60	50
151-300	56	43
301-600	51	38
601-1,200	42	33
1,201-2,400	40	30
2,401-4,800	38	28
4,801-10,000	35	20

B. **Day Time Schedule**

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below:

Table 3-8 MAXIMUM SOUND PRESSURE LEVEL EXCEPTIONS - DAY TIME

Type of Operation in Character of Noise	Correction in Decibel*
Day time operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Applicable only if these corrections may be applied to the preceding table.	

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements. Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

3:3.18-4 Air Pollution

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) and the SCDHEC Air Operating Permit. Air pollution emanating from construction activities shall be governed by the SCDHEC Air Construction Permit.

3:3.18-5 Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

3:3.18-6 Glare

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

3:3.18-7 Fumes and Vapors

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

3:3.18-8 Heat, Cold, Dampness, or Movement of Air

Activities which could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

3:3.18-9 Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in *Threshold*

Limit Values as published by SCDHEC. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Official that the proposed levels will be safe to the general population.

3:3.18-10 Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A, below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Table 3-9 MAXIMUM INTENSITY FOR EXTERIOR LIGHTING

	Column A	**Column B**
Bare Incandescent Bulbs	5 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Internally Illuminated Signs	150 ft. lamberts	250 ft. lamberts
Externally Illuminated Signs	25 ft. candles	110 ft. candles
Any Other Unshielded Sources, Intrinsic Brightness	50 candela per square centimeter	50 candela per square centimeter

Illumination shall be measured from any point outside the property. Measurements are to be conducted by Illumination Engineering Society of North America (IESNA) standards.

3:3.18-11 Compliance Guarantee

The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use, and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly.

S.C. Department of Health and Environmental Control

Bureau of Air Quality
General Conditional Major Operating Permit

Asphalt Plants

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5), 48-1-100(A), and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, the Bureau of Air Quality authorizes the operation of these sources in accordance with the valid construction permits, and the plans, specifications and other information submitted in the General Conditional Major Operating Permit application. All official correspondence, plans, permit applications and written statements are an integral part of the permit. Any false information or misrepresentation in the application for a construction or operating permit may be grounds for permit revocation.

The operation of these sources are subject to and conditioned upon the terms, limitations, standards, and schedules contained herein or as specified by this permit and its accompanying attachments.

	Issue Date:	**November 1, 2018**	
Renewal Due Date:	**July 31, 2028**	**Expiration Date:**	**October 31, 2028**

Steve McCaslin, P. E., Director
Air Permitting Division
Bureau of Air Quality

RECORD OF REVISIONS	
Date	**Description of Change**

A. APPLICABILITY

Condition Number	Condition
A.1	A facility comprised of asphalt production equipment and the following emission sources: • systems for receiving, crushing, screening, handling, storing, weighing, drying, and transferring aggregate (virgin and non-virgin); • systems for receiving, storing, and transferring asphalt cement; systems for mixing aggregate with asphalt cement; • systems for the storing and dispensing of asphalt; • asphalt cement and fuel storage tanks; • auxiliary heaters (including hot oil heaters); and • associated emission control system or other sources as approved by the Department may operate under the conditions contained herein if it meets all applicable criteria and contains no other significant sources of air emissions. Facilities operating under this general conditional major operating permit must meet all of the following criteria: 1. The facility is limited to hot mix asphaltic concrete production or other South Carolina Department of Transportation (SCDOT) approved methods as allowed in the permit. Use of any other materials will require Department approval. 2. The maximum size for a single auxiliary heater (including hot oil heaters) is limited to less than 10 million BTU/hr rated input capacity. 3. All fuel fired sources at the facility are limited to using natural gas, propane, liquefied petroleum gas, fuel oil and/or recycled oil (with written approval from the Department) as fuel. No other substances are allowed. 4. Operational restrictions and control device operation will limit emissions below major source thresholds for Title V and Prevention of Significant Deterioration (PSD). Specifically, emissions of all criteria pollutants are less than 100.0 tons per year (TPY) and less than 250.0 TPY each, any single hazardous air pollutant (HAP) is less than 10.0 TPY, any combination of HAP's are less than 25.0 TPY. 5. The emissions from all batch mix plants (pug mills) must be ducted to the dust control system and baghouse.

B. LIMITATIONS, MONITORING AND REPORTING

Condition Number	Conditions
B.1	A. (S.C. Regulation 61-62.1, Section II.G and Section II.E) Facility-wide emissions are limited to the following: **Pollutant(s)** | **Limit** $PM_{2.5}$, PM_{10}, CO, SO_2 NO_x VOC | Less than 100.0 TPY Each (12 month rolling sum)

B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td></td><td>
<table>
<tr><td>Each Individual HAP</td><td>Less than 10.0 TPY (12 month rolling sum)</td></tr>
<tr><td>Combined HAP (Sum of each individual HAP)</td><td>Less than 25.0 TPY (12 month rolling sum)</td></tr>
<tr><td>PM, $PM_{2.5}$, PM_{10}, CO SO_2, NO_x, VOC</td><td>Less than 250.0 TPY Each (12 month rolling sum)</td></tr>
</table>

Bureau approval must be obtained before the facility may increase emissions over these limits.

B. Compliance with the above emission limits shall be demonstrated as follows:
1. By limiting asphalt production to no more than 422,000 tons of Asphalt Concrete per rolling year (12 month rolling sum) if the plant is a Batch Mix Asphalt Plant.
2. By limiting asphalt production to no more than 1,220,000 tons of Asphalt Concrete per year (12 month rolling sum) if the plant is a Drum Mix Asphalt Plant.
3. By operating each type of baghouse according to the requirements as specified in this permit.

C. The owner/operator shall maintain the following records:
1. Daily production records;
2. Baghouse operation records (i.e. pressure drop records, inspection records etc.); and
3. Emergency generator operation records, if applicable.

D. The owner/operator shall submit semiannual reports that include the following:
1. Any baghouse pressure drop exceedances including date and time, magnitude, duration, cause, and corrective actions taken, or a statement that no exceedances occurred.
2. All twelve month rolling sums for asphalt production.</td></tr>
<tr><td>B.2</td><td>A. Each lime silo shall not be loaded without its baghouse or binvent baghouse on-line and operating properly.

B. Each lime silo and fly ash silo baghouse shall be visually inspected for leaks and/or visible emissions in the exhaust while each silo is being loaded. If leaks or visible emissions in the exhaust are present, loading of the silo shall immediately cease until corrective action has been taken.

The owner/operator shall record the results of each inspection along with any corrective action taken. The owner/operator shall indicate, in its records, any dates when the source is not in operation. These records shall be maintained on site in written or electronic logs.</td></tr>
<tr><td>B.3</td><td>Each dryer shall not be operated without its dryer baghouse on-line and operating properly.

The owner/operator shall continue to operate and maintain a pressure drop gauge on the dryer baghouse. The pressure drop shall be recorded daily during dryer operation.</td></tr>
</table>

B. LIMITATIONS, MONITORING AND REPORTING

Condition Number	Conditions
	Operation and maintenance checks shall be made on at least a weekly basis for the dryer baghouse cleaning systems, dust collection hoppers and conveying systems for proper operation. Pressure drop readings and operation and maintenance checks shall be maintained in logs (written or electronic), along with any corrective action taken when deviations occur. Each incidence of operation outside the operational pressure drop range, including date and time, cause, and corrective action taken, shall be recorded and kept on site. The owner/operator shall indicate, in its records, any dates when the source is not in operation. An operational range for the pressure drop of the dryer baghouse shall be established to provide a reasonable assurance of compliance. 1. The operational range for the pressure drop shall be derived by the owner/operator from stack test data, vendor certification, and/or operational history and visual inspections, which demonstrate the proper operation of the equipment in compliance. 2. Once established, the owner/operator shall maintain the established operational range for the pressure drop. 3. The operational range and supporting documentation (for example certification from manufacturer, stack test results, 30 days of normal readings, and/or opacity readings, etc.) shall be submitted to the Director of Engineering Services no later than 180 days from the date coverage is granted under this permit. All dryer baghouse gauges required to be installed shall be readily accessible and easily read by operating personnel and Department personnel (i.e. on ground level or easily accessible roof level). An exceedance of the operational pressure drop range shall not be considered a violation of an emission limit of this permit, unless the exceedance is also accompanied by other information demonstrating that a violation of an emission limit has taken place. Reports of these exceedance incidences shall be submitted semiannually. If no incidences occurred during the reporting period then a statement indicating such shall be included in the semiannual report as stated in condition B.1(D)(1). Any alternative method for monitoring the dryer baghouse performance must be preapproved by the Bureau and shall be incorporated into the permit as set forth in S.C. Regulation 61-62.1 Section II.
B.4	Should the owner/operator wish to amend or establish a differential pressure range for a new or existing control device, the owner/operator must first receive approval from the Bureau. In addition to submitting a letter describing the requested operating ranges, the letter must be accompanied by supporting documentation. This supporting documentation may include source tests to establish an initial monitoring range, an operating history of ranges in an already existing control device, and/or manufacturer specifications that agree to the proposed pressure differential range.
B.5	(S.C. Regulation 61-62.5 Standard No.4, Section X.A) All non-enclosed operations shall be conducted in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line.

B. LIMITATIONS, MONITORING AND REPORTING

Condition Number	Conditions
	Compliance with the requirement above shall be demonstrated by developing a facility-wide fugitive dust control plan (BMP Plan) for controlling fugitive emissions from process operations, truck traffic on roadways owned or controlled by the owner/operator and any other on site operations where fugitive dust emissions can be generated. The plan shall be developed no later than 90 days from the date coverage is granted under this permit, kept on-site and made available to Department personnel upon request. The plan shall contain at a minimum the following requirements as specified in 1 through 15 below. The owner/operator shall implement all of the minimum requirements of the plan listed in this condition immediately upon permit issuance except for item 8 below. The owner/operator may also modify the plan as needed, maintain a record of revisions on site and make the plan available to Department personnel upon request. 1. (S.C. Regulation 61-62.5 Standard No.4, Section X.B and S.C. Regulation 61-62.6, Section III.d) The owner/operator shall maintain dust control of the premises and any roadway it owns or controls by paving, or other suitable measures. Oil treatment is prohibited and volatile organic compounds shall not be used for dust control purposes. 2. The owner/operator shall perform daily visual inspections during normal plant operation of equipment loading/unloading areas, any mixing areas and any air pollution control equipment. Visual inspection means a qualitative observation of opacity during daylight. The observer does not need to be certified to conduct valid visual inspections. However, at a minimum, the observer should be experienced and knowledgeable about the effects on visibility of emissions caused by background contrast, ambient lighting, and observer position relative to lighting, wind, and the presence of uncombined water. Daily inspections must be documented by a written or electronic record which includes the date and time performed, noting color, duration, density (heavy or light), cause and corrective action taken for any abnormal emissions, the inspector's name or initials and the operating conditions of the equipment. 3. If dust suppressant aids are used then they shall be applied according to the manufacturer specifications for quantity and frequency. 4. Spillage and residual materials that have the potential for creating emissions problems shall be removed at an appropriate frequency to minimize levels of fugitive dust emissions. 5. Haul road speed limits shall be imposed where necessary. 6. The asphalt plant shall be configured to minimize front-end loader and truck travel distances. 7. If applicable, water trucks shall be operated at an appropriate frequency to minimize levels of fugitive dust emissions. The owner/operator may adjust the water truck operation as necessary to accommodate weather conditions. 8. If applicable, written guidelines for water trucks shall be developed for water truck operators on how to handle water truck failures including a back-up scenario for when it fails or is inadequate. 9. If applicable, weekly inspections of all water trucks in use to control fugitive dust emissions shall be made and proper maintenance performed if needed on the vehicle. Vehicle inspections shall be recorded and include all problems, corrective actions and maintenance activities. 10. Engineering design, inherent moisture content in the aggregate and/or asphalt coating on recycled asphalt shall be used to control fugitive emissions at the following points: delumpers, screening operations, conveying systems and material handling systems up to the storage bins,

B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td></td><td>including aggregate piles. Wet suppression shall be used to augment the inherent moisture as needed for operations up to the storage bins and including aggregate piles. Owner/operators shall be trained to handle process upsets and to maintain general housekeeping practices as necessary to minimize fugitive emissions.
11. Free fall transfer drop points shall be minimized where necessary.
12. The owner/operator shall notify vendors and suppliers in writing that all vendors must cover their material with a tarp when delivering materials to the facility.
13. The owner/operator shall document and review plant operations and make any changes as necessary regarding plant-wide fugitive emissions.
14. The owner/operator shall conduct annual training for current and new employees on dust control operation procedures to include reviewing all physical controls and maintenance schedules.
15. In the event of a dust control equipment failure, the owner/operator shall repair or replace dust control equipment with readily available parts.</td></tr>
<tr><td>B.6</td><td>(S.C. Regulation 61-62.5, Standard No.4, Section VI) Particulate matter and opacity emissions from asphalt manufacturing shall be limited to the following:
<table>
<tr><th>Production Rate (tph)</th><th>Maximum Allowable PM Emission Rate (lb/hr)</th></tr>
<tr><td>20</td><td>22</td></tr>
<tr><td>50</td><td>31</td></tr>
<tr><td>100</td><td>38</td></tr>
<tr><td>150</td><td>45</td></tr>
<tr><td>200</td><td>51</td></tr>
<tr><td>250</td><td>56</td></tr>
<tr><td>300</td><td>61</td></tr>
<tr><td>Greater than 350</td><td>65</td></tr>
</table>
The maximum allowable PM emission rate for facilities with production rates between two points listed in the table above shall be determined through interpolation. The particulate matter emission rate limit determined above shall apply to entire facility as a whole. All particulate matter emissions from the facility must be below this limit.

The opacity limit is 20% for all production rates.

Compliance with the above emission limits shall be demonstrated as follows:
1. By operating the dryer baghouse as specified in this permit.
2. (S.C. Regulation 61-62.5, Standard No.4 Section XII) By performing a scheduled periodic test for particulate matter emissions every two years and conducting the test in accordance with S.C. Regulation 61-62.1, Section IV.
3. During the periodic test, the owner/operator is required to produce an SCDOT surface mix. The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.</td></tr>
</table>

B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td></td><td>4. The periodic test shall be conducted while the plant is operating at its maximum production rate. Plants testing at less than maximum rated production may have their production rate limited as determined by “Asphalt Plant Aggregate Moisture vs. Hot Mix Asphalt Production Potential Guidance” of March 15, 2001, as amended. Retests shall be required to exceed a limit established by the last periodic test. Retests may also be required if facilities exceed their maximum allowable production rate.
5. The periodic test shall be conducted on a virgin aggregate mix or Reclaimed Asphalt Pavement (RAP) up to the maximum percent of aged binder allowable per SCDOT’s RAP Specification.
6. The percent (%) moisture of the aggregate shall be obtained for each test series.</td></tr>
<tr><td>B.7</td><td>For any source test required under an applicable standard or permit condition, the owner, operator, or representative shall comply with S.C. Regulation 61-62.1, Section IV - Source Tests.

Unless approved otherwise by the Department, the owner, operator, or representative shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested. Some sources may have to spike fuels or raw materials to avoid being subjected to a more restrictive feed or process rate. Any source test performed at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.

The owner or operator shall comply with any limits that result from conducting a source test at less than rated capacity. A copy of the most recent Department issued source test summary letter, whether it imposes a limit or not, shall be maintained with the operating permit, for each source that is required to conduct a source test.

Site-specific test plans and amendments, notifications, and source test reports shall be submitted to the Manager of the Source Evaluation Section, Bureau of Air Quality.</td></tr>
<tr><td>B.8</td><td>(S.C. Regulation 61-62.5, Standard No.1) Each auxiliary heater (including hot oil heaters) are subject to the following limitations:

<table>
<tr><th>Heater Construction Date</th><th>Opacity Limit</th><th>PM Limit (lb/million Btu Heat Input)</th><th>SO_2 Limit (lb/million Btu Heat Input)</th></tr>
<tr><td>On or after February 11, 1971</td><td>20%</td><td>0.6</td><td>2.3</td></tr>
<tr><td>Before February 11, 1971</td><td>40%</td><td>0.8*</td><td>2.3</td></tr>
</table>
*≤ 10 million Btu/hr

Compliance with the limits above shall be demonstrated as follows:
1. To the extent practicable, by maintaining and operating the heater in a manner consistent with good air pollution control practices for minimizing emissions.</td></tr>
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B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td></td><td>2. Except for natural gas and propane fired units, by maintaining a log of the time, magnitude, duration and any other pertinent information to determine periods of startup and shutdown of the heater and make these records available to a Department representative upon request.</td></tr>
<tr><td>B.9</td><td>(S.C. Regulation 61-62.5, Standard 3 and S.C. Regulation 61-62.1 Section I Definition 93(a)) For facilities that have the authorization from the Department to burn specification oil as fuel, each batch of specification oil must meet the following specifications:

<table>
<tr><th>Parameter</th><th>Specification</th></tr>
<tr><td>Arsenic</td><td>5 ppm maximum</td></tr>
<tr><td>Cadmium</td><td>2 ppm maximum</td></tr>
<tr><td>Chromium</td><td>10 ppm maximum</td></tr>
<tr><td>Lead</td><td>100 ppm maximum</td></tr>
<tr><td>Nickel</td><td>120 ppm maximum</td></tr>
<tr><td>Total Halogens</td><td>1,000 ppm maximum</td></tr>
<tr><td>Flash Point</td><td>100°F (37.8°C) minimum</td></tr>
</table>

Compliance with the oil specifications shall be demonstrated as follows:
1. By maintaining for each shipment of specification oil received from off-site, a record of the date and total amount of oil received.
2. By maintaining for on-site generated specification oil, a record of the amount generated and the dates on which it was burned.
3. By maintaining a record of a lab analysis for on-site generated oil that shows the total arsenic, total cadmium, total chromium, total lead, total nickel, total halogens and flash point.
4. By maintaining a waste analysis showing the total arsenic, total cadmium, total chromium, total lead, total nickel, total halogens and flash point. The waste analysis shall be performed only on the initial shipment of oil unless the oil becomes inconsistent in composition or is received from another supplier.</td></tr>
<tr><td>B.10</td><td>Each asphalt facility is subject to New Source Performance Standards (NSPS), 40CFR60 Subpart A, General Conditions and Subpart I, Standards of Performance For Asphalt Concrete Plants, and S.C. Regulation 61-62.60 Subparts A and Subpart I, Standards of Performance For Asphalt Concrete Plants, as applicable. These sources shall comply with all applicable requirements of Subparts A and I.

(40CFR60.92.a) Each Asphalt Facility shall meet the limits specified in the following table:

<table>
<tr><th>Opacity Limit</th><th>PM Limit</th></tr>
<tr><td>20%</td><td>90 mg/dscm (0.04 gr/dscf)</td></tr>
</table>

Compliance shall be demonstrated by operating the dryer baghouse as specified in this permit.</td></tr>
</table>

B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td>B.11</td><td>
Each affected source is subject to New Source Performance Standards (NSPS), 40CFR60 Subpart A, General Conditions and Subpart OOO, Standards of Performance For Nonmetallic Mineral Processing Plants, and S.C. Regulation 61-62.60 Subparts A and Subpart OOO, Nonmetallic Mineral Processing Plants, as applicable. These sources shall comply with all applicable requirements of Subparts A and OOO.

(40CFR60 Subpart OOO) Each RAP crusher, screen, and conveyor listed in the Table below shall meet the opacity limit specified for it. RAP fractionating equipment (lumpbreakers and associated screen conveying system) that do not resize any aggregate or nonmetallic mineral embedded in the RAP is not subject to this regulation.

(40CFR60.671) Crusher means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

(40CFR60.671) Screening operation means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.

(40CFR60.671) Conveying system means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: feeders, belt conveyors, bucket elevators and pneumatic systems.

<table>
<tr><th>Crusher Manufacture Date</th><th>Crusher Opacity Limit</th><th>Screen Opacity Limit</th><th>Conveyor Opacity Limit</th></tr>
<tr><td>After August 31, 1983 but before April 22, 2008</td><td>15%</td><td>10%</td><td>10% from each transfer point</td></tr>
<tr><td>After April 22, 2008</td><td>12%</td><td>7%</td><td>7% from each transfer point</td></tr>
</table>

Compliance with the above emission limits shall be demonstrated as follows:
1. (40CFR60.8) By conducting a one time performance test for opacity within 60 days after achieving the maximum production rate at which RAP crusher, screen, and conveyor will be operated, but not later than 180 days after initial startup of the RAP crusher, screen, and conveyor. The test shall be conducted according to the requirements of 40CFR60.11, 40CFR60.675 (Table 3 of 40CFR60 Subpart OOO) and S.C. Regulation 61-62.1 Section IV.
2. By performing daily visual emission checks on the RAP crusher, screen, and conveyor when in operation.
</td></tr>
</table>

B. LIMITATIONS, MONITORING AND REPORTING

<table>
<tr><th>Condition Number</th><th>Conditions</th></tr>
<tr><td></td><td>3. By the proper operation of the air pollution control device if the RAP crusher, screen, and conveyor is equipped with one.

RAP replacement equipment shall comply with the requirements of 40CFR60.672.d and S.C. Regulation 61-62 .1 Section II.A.1.b.</td></tr>
<tr><td>B.12</td><td>All fuel fired sources at the facility are limited to using natural gas, propane, liquefied petroleum gas, virgin fuel oil and/or recycled oil (with prior written approval from the Department) as fuel. No other substances are allowed.</td></tr>
<tr><td>B.13</td><td>The use of materials, other than virgin aggregate or reclaimed asphalt pavement, as aggregate shall not be allowed without prior written approval from the Department.</td></tr>
<tr><td>B.14</td><td>The production of asphalt concrete other than hot mix asphalt (e.g. other SCDOT approved methods, warm mix asphalt), is allowed without prior approval from the Department.</td></tr>
<tr><td>B.15</td><td>(40CFR60.11.d) At all times, including periods of startup, shutdown, and malfunction, the owner/operator shall, to the extent practicable, maintain and operate the equipment including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.</td></tr>
<tr><td>B.16</td><td>Emergency engines less than or equal to 150 kilowatt (kW) rated capacity, emergency engines greater than 150 kW rated capacity designated for emergency use only and operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use, such as an hour meter, and diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use, such as an hour meter, have been determined to be exempt from construction permitting requirements in accordance with South Carolina Regulation 61-62.1.

If present, these sources shall still comply with the requirements of all applicable regulations, including but not limited to the following:

New Source Performance Standards (NSPS) 40 CFR 60 Subpart A (General Provisions);
NSPS 40 CFR 60 Subpart IIII (Stationary Compression Ignition Internal Combustion Engines);
NSPS 40 CFR 60 Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines);
National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR 63 Subpart A (General Provisions); and
NESHAP 40 CFR 63 Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines).</td></tr>
<tr><td>B.17</td><td>(S.C. Regulation 61-62.5, Standard No. 4, Section IX) For all other sources where an opacity limit is not specified, each shall meet the following opacity limits:

<table>
<tr><th>Construction or Modification Date</th><th>Opacity Limit</th></tr>
<tr><td>Began after December 31, 1985</td><td>20%</td></tr>
</table>
</td></tr>
</table>

B. LIMITATIONS, MONITORING AND REPORTING

Condition Number	Conditions
	<table><tr><td>Began on or before December 31, 1985</td><td>40%</td></tr></table> Compliance with the above emission limits shall be demonstrated by complying with the Fugitive Dust Control Plan.
B.18	(S. C. Regulation 61-62.5, Standard No. 5.2) Any existing source where a burner assembly is replaced with another burner assembly after June 25, 2004, regardless of size or age of the burner assembly to be replaced shall be replaced with a low NO_X burner assembly or equivalent technology, and shall achieve a 30 percent reduction from uncontrolled NO_X emission levels based upon manufacturer's specifications. An exemption from this requirement shall be granted when a single burner assembly is being replaced in an existing source with multiple burners due to non-routine maintenance. The replacement of individual components such as burner heads, nozzles, or windboxes does not trigger this requirement. The owner or operator shall notify and register the burner assembly replacement with the Department, in writing, within 7 days of replacing the existing burner assembly. Notification will be provided on the Department's *Low NO_x Burner Assembly Replacement Notification* Form D-2935. Those affected sources that wish to receive an emission reduction credit for the control device will be required to submit a construction permit application. Those affected sources requesting an alternative control methodology must receive written approval prior to burner replacement. The owner or operator shall perform tune-ups every twenty-four (24) months in accordance with manufacturer's specifications or with good engineering practices. The first tune-up shall be conducted no more than twenty-four (24) months from replacement of a burner assembly for affected existing sources. Each subsequent tune-up shall be conducted no more than twenty-four (24) months after the previous tune-up. All tune-up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated. The owner or operator shall develop and retain a tune-up plan on file.

C. TEMPORARY CRUSHING AND SCREENING OPERATION CONDITIONS

Condition Number	Condition
C.1	If the facility subcontracts temporary crushing by another company, it is the facility's responsibility to ensure the subcontractor has been issued the Temporary Crushing and Screening Registration Permit from the Department.

D. AMBIENT AIR STANDARDS REQUIREMENTS

Condition Number	Condition
D.1	Air dispersion modeling (or other method) has demonstrated that this facility's operation will not interfere with the attainment and maintenance of any state or federal ambient air standard. Any changes in the parameters used in this demonstration may require a review by the facility to determine continuing compliance with these standards. These potential changes include any decrease in stack height, decrease in stack velocity, increase in stack diameter, decrease in stack exit temperature, increase in building height or building additions, increase in emission rates, decrease in distance between stack and property line, changes in vertical stack orientation, and installation of a rain cap that impedes vertical flow. Parameters that are not required in the determination will not invalidate the demonstration if they are modified. The emission rates used in the determination are listed in Attachment - Emission Rates for Ambient Air Standards of this permit. Higher emission rates may be administratively incorporated into Attachment - Emission Rates for Ambient Air Standards of this permit provided a demonstration using these higher emission rates shows the attainment and maintenance of any state or federal ambient air quality standard or with any other applicable requirement. Variations from the input parameters in the demonstration shall not constitute a violation unless the maximum allowable ambient concentrations identified in the standard are exceeded. The owner/operator shall maintain this facility at or below the emission rates as listed in Attachment - Emission Rates for Ambient Air Standards, not to exceed the pollutant limitations of this permit. Should the facility wish to increase the emission rates listed in Attachment - Emission Rates for Ambient Air Standards, not to exceed the pollutant limitations in the body of this permit, it may do so by the administrative process specified above. This is a State Only enforceable requirement.

E. GENERAL RECORD KEEPING AND REPORTING

Condition Number	Conditions
E.1	Reporting required in this permit, shall be submitted in a timely manner. Semiannual reports are due January 30th and July 30th each year.
E.2	All reports and notifications required under this permit shall be submitted to the person indicated in the specific condition at the following address: **2600 Bull Street** **Columbia, SC 29201** The contact information for the local Environmental Affairs Regional office can be found at: **http://www.scdhec.gov**
E.3	Unless elsewhere specified within this permit, all reports required under this permit shall be submitted to the Manager of the Technical Management Section, Bureau of Air Quality.

E. GENERAL RECORD KEEPING AND REPORTING

Condition Number	Conditions
E.4	(S.C. Regulation 61-62.1, Section II.J.1.g) A copy of the Department issued construction and/or operating permit must be kept readily available at the facility at all times. The owner or operator shall maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require. All records required to demonstrate compliance with the limits established under this permit shall be maintained on site for a period of at least 5 years from the date the record was generated and shall be made available to a Department representative upon request.
E.5	The owner/operator shall inspect, calibrate, adjust, and maintain continuous monitoring systems, monitoring devices, and gauges in accordance with manufacturer's specifications or good engineering practices. The owner or operator shall maintain on file all measurements including continuous monitoring system or monitoring device performance measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required in a permanent form suitable for inspection by Department personnel.
E.6	(S.C. Regulation 61-62.1, Section II.J) For sources not required to have continuous emission monitors, any malfunction of air pollution control equipment or system, process upset, or other equipment failure which results in discharges of air contaminants lasting for one (1) hour or more and which are greater than those discharges described for normal operation in the permit application, shall be reported to the Department within twenty-four (24) hours after the beginning of the occurrence and a written report shall be submitted to the Department within thirty (30) days. The written report shall include, at a minimum, the following: 1. The identity of the stack and/or emission point where the excess emissions occurred; 2. The magnitude of excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the excess emissions; 3. The time and duration of excess emissions; 4. The identity of the equipment causing the excess emissions; 5. The nature and cause of such excess emissions; 6. The steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction; 7. The steps taken to limit the excess emissions; and, 8. Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions. The initial twenty-four (24) hour notification should be made to the Department's local Environmental Affairs Regional office. The written report should be sent to the Manager of the Technical Management Section, Bureau of Air Quality and the local Environmental Affairs Regional office.

F. RELOCATION REQUIREMENTS

Condition Number	Condition
F.1	The owner/operator must submit an application that includes air dispersion modeling and gain approval from this Department prior to relocating this plant to any other site in South Carolina.
F.2	The owner/operator may move a plant out of South Carolina without gaining prior approval. Notification that the plant was moved out of South Carolina shall be made within 30 days of such a move. Department approval must be gained prior to bringing the plant back into South Carolina.

G. PERMIT RENEWAL, MODIFICATION, EXPIRATION, AND TRANSFER OF OWNERSHIP

Condition Number	Condition
G.1	(S.C. Regulation 61-62.1, Section II.H) The owner/operator shall submit an operating permit renewal request to the Department within 90 days prior to the operating permit expiration date. The operating permit renewal requests shall include a description of any changes at the facility that have occurred since issuance of the last operating permit that may affect the operating permit or operating permit review. In general, the description shall include any addition, alteration or removal of sources, including sources exempt from construction permit requirements; addition, alteration or removal of emission limitations; any changes to monitoring, recordkeeping, or reporting requirements; and any changes or additions to special permit conditions.
G.2	Submission of a request for renewal meeting the requirements in S.C. Regulation 61-62.1, Section II.H, shall allow the owner/operator to continue operating pursuant to the most recent general conditional major operating permit, until such time as the Department has taken final action on the request for renewal.
G.3	This permit may be reopened by the Department for cause or to include any new standard or regulation which becomes applicable to a source during the life of the permit.
G.4	This permit may be modified by the Department for cause, to include any applicable requirement or to add or alter a permit's expiration date.
G.5	(S.C. Regulation 61-62.1, Section II.M) Within 30 days of the transfer of ownership/operation of a facility, the current permit holder and prospective new owner/operator shall submit to the Director of Engineering Services a written request for transfer of the source operating or construction permits. The written request for transfer of the source operating or construction permit shall include any changes pertaining to the facility name and mailing address; the name, mailing address, and telephone number of the owner/operator for the facility; and any proposed changes to the permitted activities of the source. Transfer of the operating or construction permits will be effective upon written approval by the Department.

H. GENERAL CONDITIONS

Condition Number	Condition
H.1	The owner or operator shall comply with S.C. Regulation 61-62.2 "Prohibition of Open Burning."
H.2	The owner or operator shall comply with S.C. Regulation 61-62.3 "Air Pollution Episodes."
H.3	The owner or operator shall comply with S.C. Regulation 61-62.4 "Hazardous Air Pollution Conditions."
H.4	The owner or operator shall comply with S.C. Regulation 61-62.6 "Control of Fugitive Particulate Matter", Section III "Control of Fugitive Particulate Matter Statewide."
H.5	This permit only covers emission units and control equipment while physically present at the indicated facility. Unless the permit specifically provides for the equipment relocation, this permit is void for an item of equipment on the day it is removed from the permitted facility, notwithstanding the expiration date specified on the permit.
H.6	The permittee shall pay permit fees to the Department in accordance with the requirements of S.C. Regulation 61-30, Environmental Protection Fees.
H.7	In the event of an emergency, as defined in S.C. Regulation 61-62.1, Section II.L, the owner or operator may document an emergency situation through properly signed, contemporaneous operating logs, and other relevant evidence that verify: 1. An emergency occurred, and the owner or operator can identify the cause(s) of the emergency; 2. The permitted source was at the time the emergency occurred being properly operated; 3. During the period of the emergency, the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and 4. The owner or operator gave a verbal notification of the emergency to the Department within 24 hours of the time when emission limitations were exceeded, followed by a written report within 30 days. The written report shall include, at a minimum, the information required by S.C. Regulation 61-62.1, Section II.J.1.c.i through viii. The written report shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
H.8	(S.C. Regulation 61-62.1, Section II.O) Upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the Department or an authorized representative to perform the following: 1. Enter the facility where emissions-related activity is conducted, or where records must be kept under the conditions of the permit. 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit. 3. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit. 4. As authorized by the Federal Clean Air Act and/or the S.C. Pollution Control Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1905 / Planning Case Number: RZ-2024-0342
Contact Person / Sponsor: M. Blaszyk / Planning Department
Department: Planning
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Rezone (TM # 0050-00-038.02) of 46.883 acres at 1540 Old Pardue Road (TM # 0050-00-038.02) from Low Density Residential (LDR) to Rural Residential (RR) district.

Strategic Plan Focus Area Alignment:

Quality Development
Diversity the local economy through targeted attraction of job producers and support businesses that are well-matched to the local workforce and economic needs.

Points to Consider:
Application by Peter Sites to rezone a parcel of 46.883 acres at 1540 Old Pardue Road (TM # 0050-00-038.02) from Low Density Residential (LDR) to Rural Residential (RR) district, in order to develop the site for agritourism and place 2 new residences on the parcel.

Lancaster County's Unified Development Ordinance defines Agritourism as “Farm-related enterprises that operate for the enjoyment and education of the public and that combine tourism and agriculture such as agriculture cultural centers: hay rides, corn mazes, and petting zoos (farm animals only)

Parcel currently has access to water, there is no sewer in the area.

Proposed zoning is consistent with the adjacent use types and is consistent with the Comprehensive Plan

Funding and Liability Factors:
N/A

Recommendation:
The Planning Commission unanimously recommended approval during their April 16th regular meeting.

Staff also recommends approval.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1905	4/26/2024	Ordinance
Staff Report	4/10/2024	Exhibit
Application	4/2/2024	Exhibit
Location Map	4/2/2024	Exhibit
Recorded Deed	4/2/2024	Exhibit
Recorded Plat	4/2/2024	Exhibit
Agritourism Definition	4/10/2024	Exhibit
Public Hearing Notice for Ordinance 2024-1905 (Planning Department	4/19/2024	Public Hearing Notices

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2024-1905**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 46.883 ACRES (TM# 0050-00-038.02), WHICH IS LOCATED AT 1540 OLD PARDUE RD, FROM LOW DENSITY RESIDENTIAL (LDR) DISTRICT TO RURAL RESIDENTIAL (RR) DISTRICT

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Peter Sites applied to rezone a 46.883-acre parcel of real property (TM# 0050-00-038.02) owned by Peter and Madison Sites, being located at 1540 Old Pardue Rd, from Low Density Residential (LDR) to Rural Residential (RR) to use the property for residential and agritourism uses. The site is currently undeveloped.

(b) On April 16, 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 as presented.

(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.*"

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from Low Density Residential (LDR) to Rural Residential (RR), for the following property as identified by tax map numbers or other appropriate identifiers:

Portion of Tax Map No. (TM# 0050-00-038.02), located at 1540 Old Pardue Rd, 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 _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: May 13, 2024
Public Hearing: May 13, 2024
Second Reading: May 28, 2024
Third Reading: June 10, 2024

Approved as to form:

_____
Virginia Merck-Dupont, County Attorney

PROPOSAL:	Request to rezone 46.883 acres at
PROPERTY LOCATION:	1540 Old Pardue Road (TM# 0050-00-038.02)
CURRENT ZONING DISTRICT:	Low Density Residential (LDR) District
PROPOSED ZONING DISTRICT:	Rural Residential (RR)
APPLICANT:	Peter Sites
COUNCIL DISTRICT:	District 3 Billy Mosteller
STATUTORY NOTICES:	Sign posted 3/28/2024 Hearing notice published 3/30/2024 in The Lancaster News Mailed notices 3/28/2024 Posted agenda in lobby 4/09/2024

OVERVIEW:

Proposal

The applicant has requested to rezone a 46.883-acre property at 1540 Old Pardue Road. The intent is to place two homesteads on the parcel and use the remaining land for agriculture purposes. One of these uses includes developing the site for agrotourism, with farming-based attractions and activities.

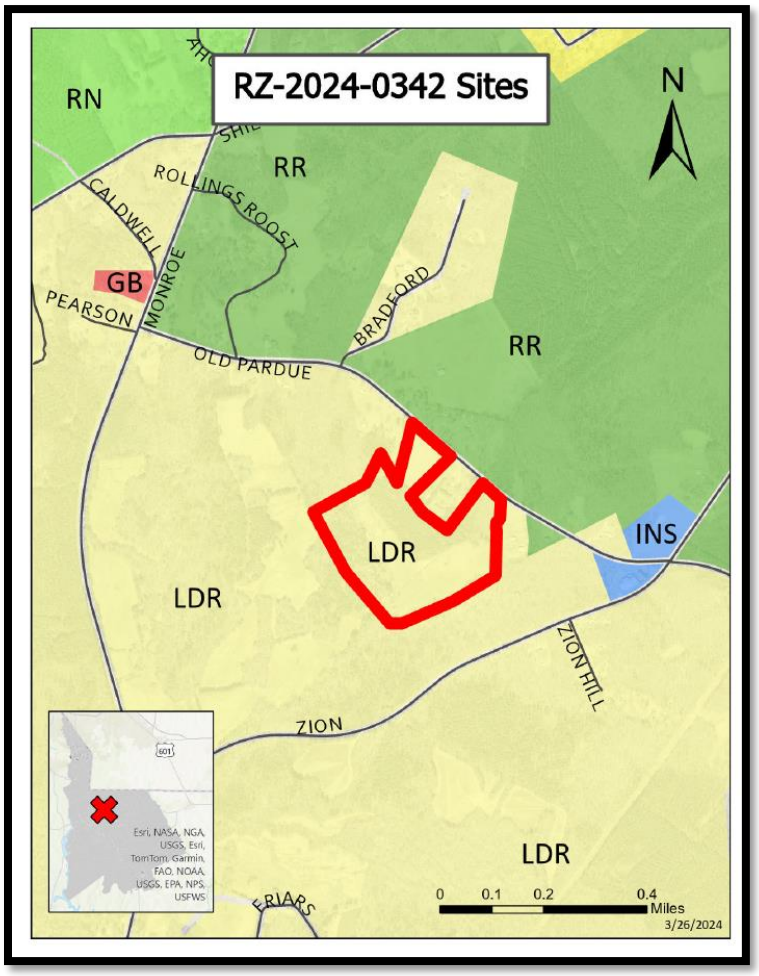
Site Information

The 46.883-acre property is currently a vacant undeveloped parcel.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by residential and agricultural uses and residential zoned properties. The nearest business zoning is ¾ mile away on Monroe Highway; there is an Institutional zoned property approximately ½ mile away at the intersection of Old Pardue and Zion Road.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RR	Residential/Agricultural
South	Lancaster County	LDR	Residential/Agricultural
East	Lancaster County	RR; LDR	Residential/Agricultural
West	Lancaster County	LDR	Residential/Agricultural



Above is a location map of the site and surrounding area. The map also highlights the nearby RR zoned parcels.

ANALYSIS & FINDINGS:

Zoning Districts

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

Requested RR

UDO Chapter 2.3 describes the requested RR District as "… *established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings*."

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the Rural Residential and Low-Density Residential Zoning 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.

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

The Rural Living Future Land Use Category starts at Highway 75 and extends to the south, throughout the County, outside of its municipalities. The Rural Living Future Land Use Category and Rural Community Type are intended to be Synonyms.

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

INFRASTRUCTURE CONSIDERATIONS

Public Utilities

The parcel has access to water, there is no sewer in the area.

Photos of Subject Area:



Aerial view of subject property



Facing subject parcel off Old Pardue Road

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone 46.883 acres 1540 Old Pardue Road (TM# 0050-00-038.02) from Low Density Residential (LDR) District to Rural Residential (RR) District, pursuant to the following findings of fact

1. That the subject project consists of the following parcel: TM# 0050-00-038.02
2. That the subject property is currently zoned LDR District and proposed to be rezoned RR 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 RR District is similar in consistency with the surrounding area which is comprised of RR and LDR Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Lancaster County Agrotourism definition

STAFF CONTACT:

Matthew Blaszyk
Planner
mblaszyk@lancastersc.net
803-416-9380

Lancaster County
South Carolina

Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lancastercountysc.net
www.mylancastersc.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 1540 Old Pardue Road, Lancaster, SC

City Lancaster State SC Zip 29720 Tax Parcel ID 0050-00-038.02

Current Zoning LDR Current Use Undeveloped/Agricultural Use

Proposed Zoning RR Total Acres 46.883

Project Description Our intention is to place two homesteads on the property and to use the remaining land for agricultural purposes. We would pursue small farm agricultural endeavors like harvesting hay, growing small plot organic produce, fresh eggs, and agritourism.

Surrounding Property Description All property in the immediate area is currently zoned RR and LDR

CONTACT INFORMATION

Applicant Name Peter Sites

Address 7974 Joshua Tree Lane

City Jacksonville State FL Zip 32256 Phone (904) 612-0186

Fax N/A Email psites@its.jnj.com

Property Owner Name Peter Sites

Address 7974 Joshua Tree Lane

City Jacksonville State FL Zip 32256 Phone (904) 612-0186

Fax N/A Email psites@its.jnj.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 — Date: FEB 19 2024

Property Owner(s) — Date: FEB 19 2024

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**

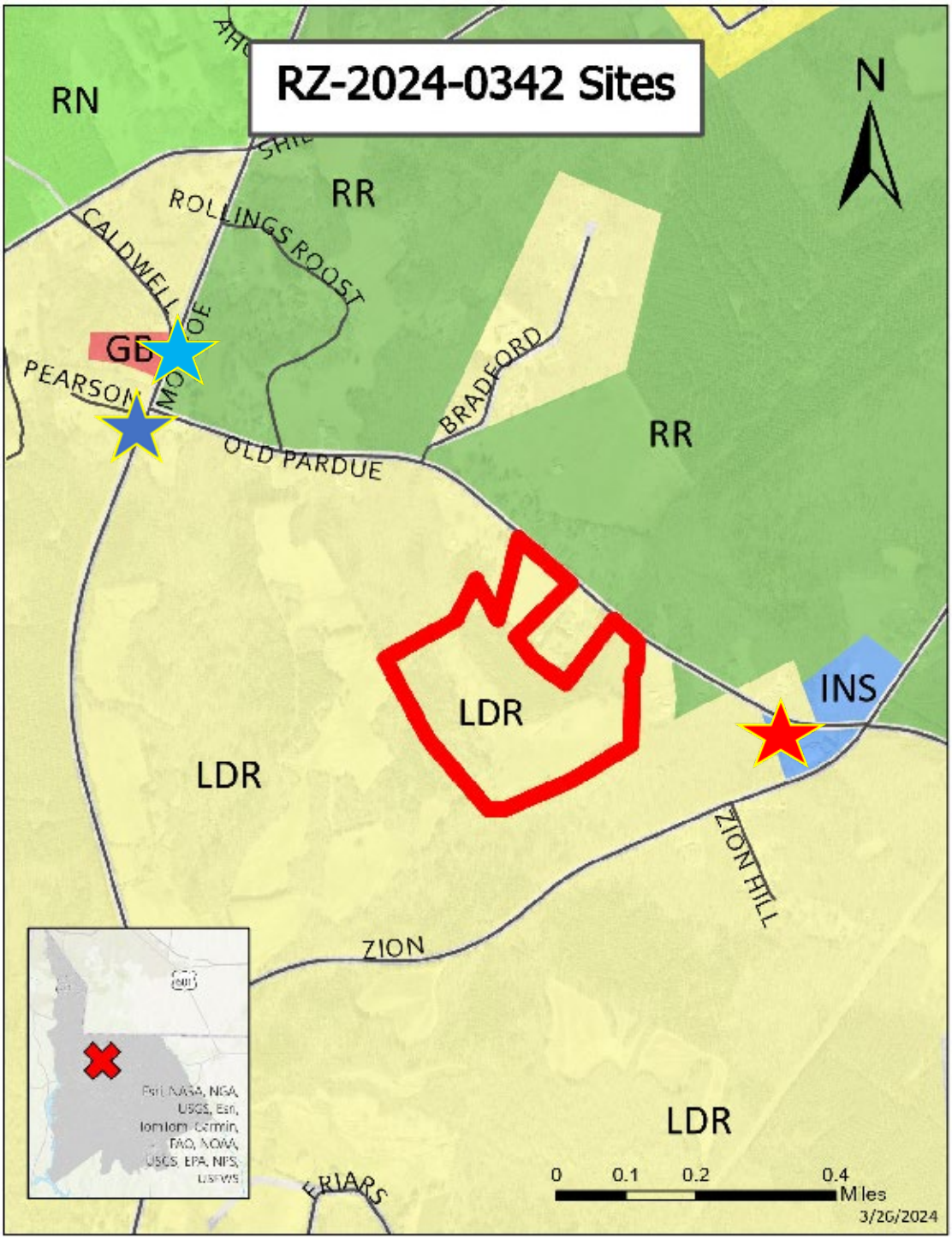
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and 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.



Lancaster County
South Carolina

Proposal:
Rezoning: LDR to RR

Subject Property

Intersection Monroe Hwy & Old Pardue

Zion United Methodist Church

Shiloh-Zion VFD

RECORDED THIS 1st DAY
OF FEBRUARY, 2024
IN BOOK 00 PAGE 00

Auditor, Lancaster County, SC

LANCASTER COUNTY ASSESSOR
Tax Map:
0050 00 038 02

This deed was prepared by:
Bolling & Ghannam, PLLC
7401 Carmel Executive Park Dr, Ste 111
Charlotte, NC 28226

LANCASTER COUNTY, SC	
2024001135	DEED
RECORDING FEES	$15.00
STATE TAX	$1157.00
COUNTY TAX	$489.50
PRESENTED & RECORDED	
02-01-2024	10:24:32 AM
BRITTANY GRANT	
REGISTER OF DEEDS	
LANCASTER, COUNTY SC	
By: STEPHANIE KNIGHT	
BK:DEED 1753 PG:203-206	

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

TITLE TO REAL ESTATE
GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT Linda H. Pardue, Betty P. Crook, and James Bryan Walters (hereinafter whether singular or plural referred to as the "Grantor"), in the State aforesaid, for and in consideration of FOUR HUNDRED FORTY FIVE THOUSAND AND 00/100 **DOLLARS ($445,000.00)** to the grantor paid by Peter Sites and Madison Sites**, (hereinafter whether singular of plural the "Grantee"),** has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto the said Grantee, as **joint tenants with rights of survivorship, and not as tenants in common,** in fee simple, the following described property, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Grantees address: **7974 Joshua Tree Ln**
Jacksonville, FL 32256

Property Address: 0000 Old Pardue Rd
Lancaster, SC 29720

This conveyance is subject to all easements, conditions, and restrictions of record.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in any wise incident or appertaining thereto.

TO HAVE AND TO HOLD all and singular the Premises unto the before mentioned, and upon the death of either of them, to the survivor thereof, their respective heirs and assigns:

And the Grantor does hereby bind herself and her successors, and assigns, and other lawful representatives, to warrant and forever defend all and singular the Premises unto the Grantees and the Grantees' heirs, successors and assigns, against the Grantor and against the Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 30 day of January, 2024.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Linda H. Pardue (SEAL)
Linda H. Pardue

Betty P Crook (SEAL)
Betty P. Crook

James Bryan Walters (SEAL)
James Bryan Walters

Witness (Notary)

Witness

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Sarah Ghannam, Notary Public, do hereby certify that Linda H. Pardue, Betty P. Crook, **and James Bryan Walters** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal this 30 day of January, 2024.

Official Signature of Notary

SARAH GHANNAM
Notary Public
Mecklenburg
County
My Comm. Exp.
06-21-2026
NORTH CAROLINA

EXHIBIT A

All that certain piece, parcel or tract of land, lying, being and situate in Gills Creek Township, Lancaster County, South Carolina, containing 46.883 acres, more or less.

BEING that certain 47.225 acre tract shown and described on Plat of Boundary Survey dated January 15, 2024, entitled 'PLAT OF BOUNDARY SURVEY FOR PETER W. SITES AND MADISON M. SITES' and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina as Plat Book 2024, Page 46.

LESS AND EXCEPT therefrom the following: 0.342 acres BEGINNING at an existing no. 4 rebar, said point being in the line of Charlotte P. Saucier AKA Charlotte Nycol Saucier, now or formerly; thence S50-45-55E 172.19 feet to an existing 1" iron pipe; thence S34-59-57W 112.17 feet to an existing 4" axle; thence N33-50-26W 193.62 feet; thence N44-07-53E 55.69 feet to beginning.

DERIVATION: This being the same property conveyed unto James Bryan Walters by deed from James Bryan Walters, Personal Representative of the Estate of Ellen Pardue Walters #2021ES2900769 recorded with Lancaster County Register of Deeds on 12/21/2023 in Book 1742, Page 19.

TMS #: 0050-00-038.02

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

AFFIDAVIT

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

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located at 0000 Old Pardue Rd, Lancaster, SC 29720 bearing Lancaster County Tax Map Number 0050-00-038.02, was transferred by Linda H. Pardue, Betty P. Crook, and James Bryan Walters to Peter Sites and Madison Sites on the 30th day of January, 2024.

3. Check one of the following: The deed is
   a. x subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   b. ____subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
   c. ____exempt from the deed recording fee because (see information section of affidavit): _____ (If exempt, please skip items 4- 7 and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
   a. _x_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of 445,000.00.
   b. ___ The fee is computed on the fair market value of the realty which is _____.
   c. ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes __ or No _x__ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "yes" the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

a.	Place the amount listed in item 4 above here:	$445,000.00
b.	Place the amount listed in item 5 above here: (If no amount is listed, place zero here)	$0.00
c.	Subtract line 6(b) from line 6(a) and place result here:	$445,000.00

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: 1,646.50

8. As required by Code Section 12-24-70, I state that I am responsible person who was connected with the transaction: Grantor

9. I understand that a person required to furnish this affidavit who willfully 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.

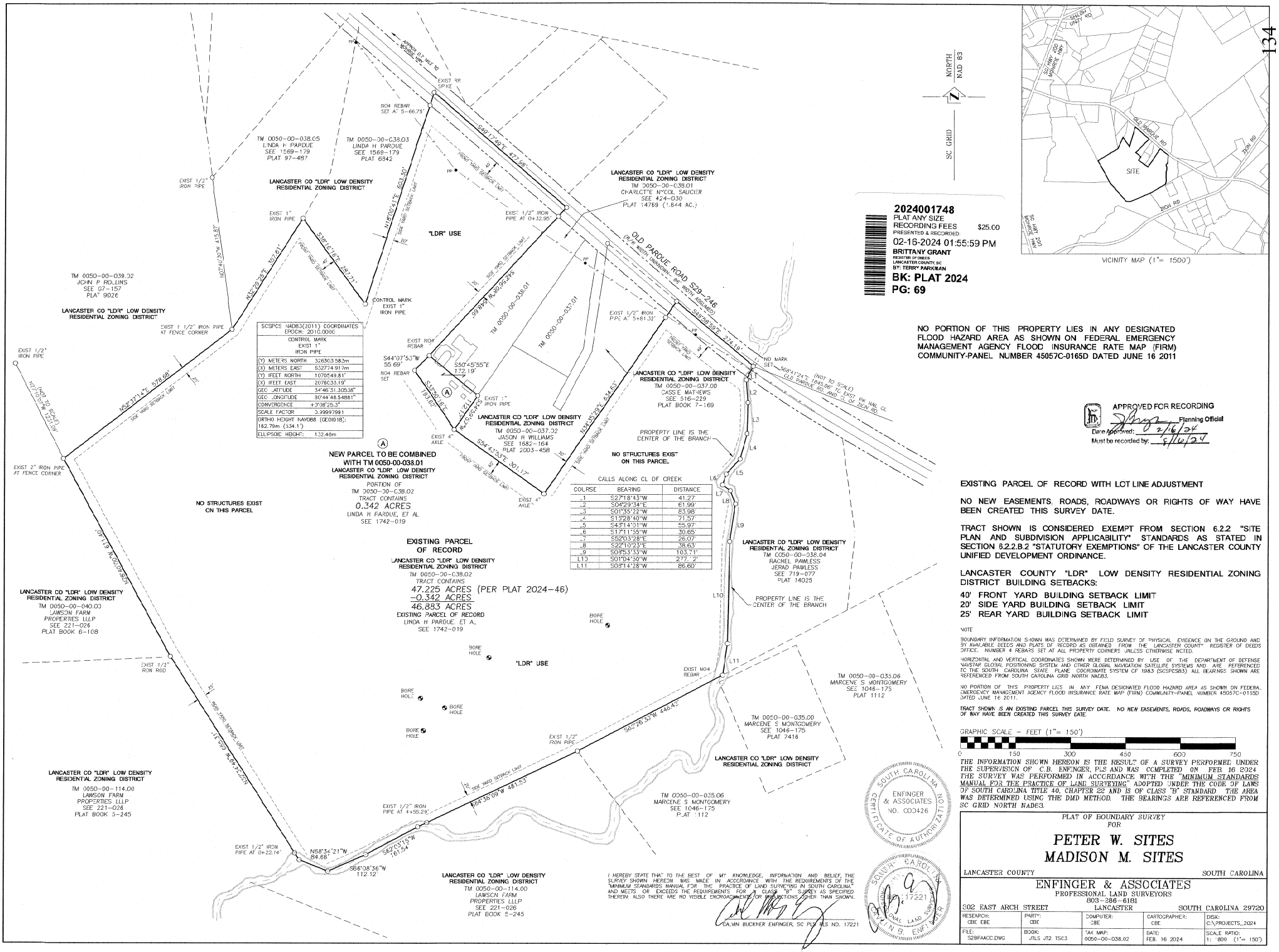
SWORN to before me this 30 day of January, 2024.

Notary Public for NC
My Commission Expires: 6/21/26

SARAH GHANNAM
Notary Public
Mecklenburg
County
My Comm. Exp.
06-21-2026
NORTH CAROLINA

Responsible Person Connected with the Transaction

Betty P Crook
Grantor


NORTH
NAD 83
SC GRID
2024001748
PLAT ANY SIZE
RECORDING FEES $25.00
PRESENTED & RECORDED:
02-16-2024 01:55:59 PM
BRITTANY GRANT
REGISTER OF DEEDS
LANCASTER COUNTY, SC
BY: TERRY PARKMAN
BK: PLAT 2024
PG: 69
VICINITY MAP (1"= 1500')
SITE
OLD PARDUE RD
ZION RD
SC HWY 200
MONROE HWY
SMYLIN HWY
OLD MONROE HWY
TM 0050-00-038.05
LINDA H PARDUE
SEE 1569-179
PLAT 97-487
TM 0050-00-038.03
LINDA H PARDUE
SEE 1569-179
PLAT 6842
LANCASTER CO "LDR" LOW DENSITY RESIDENTIAL ZONING DISTRICT
TM 0050-00-038.01
CHARLOTTE NICOL SAUCIER
SEE 424-030
PLAT 14769 (1.844 AC.)
"LDR" USE
OLD PARDUE ROAD S29-246
(80' R/W WIDTH UNKNOWN)
TM 0050-00-039.02
JOHN P ROLLINS
SEE 67-157
PLAT 9026
TM 0050-00-039.01
TM 0050-00-037.01
TM 0050-00-037.00
CASSIE MATHEWS
SEE 516-229
PLAT BOOK 7-169
LANCASTER CO "LDR" LOW DENSITY RESIDENTIAL ZONING DISTRICT
TM 0050-00-037.02
JASON H WILLIAMS
SEE 1682-164
PLAT 2005-458
TM 0050-00-040.00
LAWSON FARM PROPERTIES LLLP
SEE 221-026
PLAT BOOK 6-108
TM 0050-00-114.00
LAWSON FARM PROPERTIES LLLP
SEE 221-026
PLAT BOOK 5-245
TM 0050-00-035.04
RACHEL PAWLESS
JERAD PAWLESS
SEE 719-077
PLAT 14025
TM 0050-00-035.03
MARCENE S MONTGOMERY
SEE 1046-175
PLAT 1112
TM 0050-00-035.00
MARCENE S MONTGOMERY
SEE 1046-175
PLAT 7416
TM 0050-00-035.06
MARCENE S MONTGOMERY
SEE 1046-175
PLAT 112
SCSPCS NAD83(2011) COORDINATES
EPOCH: 2010.0000
CONTROL MARK EXIST 1" IRON PIPE
(Y) METERS NORTH 326303.583m
(X) METERS EAST 832774.917m
(Y) IFEET NORTH 1070549.81'
(X) IFEET EAST 2078633.19'
GEO LATITUDE 34°46'31.30538"
GEO LONGITUDE 80°44'48.54881"
CONVERGENCE +0°08'25.3"
SCALE FACTOR 0.99997991
ORTHO HEIGHT NAVD88 (GEOID18): 162.79m (534.1')
ELLIPSOID HEIGHT: 132.40m
NEW PARCEL TO BE COMBINED WITH TM 0050-00-038.01
LANCASTER CO "LDR" LOW DENSITY RESIDENTIAL ZONING DISTRICT
PORTION OF
TM 0050-00-038.02
TRACT CONTAINS
0.342 ACRES
LINDA H PARDUE, ET AL
SEE 1742-019
EXISTING PARCEL OF RECORD
LANCASTER CO "LDR" LOW DENSITY RESIDENTIAL ZONING DISTRICT
TM 0050-00-038.02
TRACT CONTAINS
47.225 ACRES (PER PLAT 2024-46)
-0.342 ACRES
46.883 ACRES
EXISTING PARCEL OF RECORD
LINDA H PARDUE, ET AL
SEE 1742-019
NO STRUCTURES EXIST ON THIS PARCEL
NO STRUCTURES EXIST ON THIS PARCEL.
PROPERTY LINE IS THE CENTER OF THE BRANCH
CALLS ALONG CL OF CREEK
COURSE BEARING DISTANCE
_1 S27°18'43"W 41.27'
_2 S04°29'34"E 61.99'
_3 S01°35'22"W 83.98'
_4 S15°28'40"W 71.57'
_5 S43°14'01"W 55.97'
_6 S17°11'55"W 30.65'
_7 S52°03'38"E 26.07'
_8 S22°10'23"E 38.63'
_9 S03°53'33"W 103.71'
L10 S01°04'30"W 277.2'
L11 S03°14'28"W 86.60'
NO PORTION OF THIS PROPERTY LIES IN ANY DESIGNATED FLOOD HAZARD AREA AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 45057C-0165D DATED JUNE 16 2011
APPROVED FOR RECORDING
Planning Official
Date Approved: 2/16/24
Must be recorded by: 5/16/24
EXISTING PARCEL OF RECORD WITH LOT LINE ADJUSTMENT
NO NEW EASEMENTS, ROADS, ROADWAYS OR RIGHTS OF WAY HAVE BEEN CREATED THIS SURVEY DATE.
TRACT SHOWN IS CONSIDERED EXEMPT FROM SECTION 6.2.2 "SITE PLAN AND SUBDIVISION APPLICABILITY" STANDARDS AS STATED IN SECTION 6.2.2.B.2 "STATUTORY EXEMPTIONS" OF THE LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE.
LANCASTER COUNTY "LDR" LOW DENSITY RESIDENTIAL ZONING DISTRICT BUILDING SETBACKS:
40' FRONT YARD BUILDING SETBACK LIMIT
20' SIDE YARD BUILDING SETBACK LIMIT
25' REAR YARD BUILDING SETBACK LIMIT
NOTE
BOUNDARY INFORMATION SHOWN WAS DETERMINED BY FIELD SURVEY OF PHYSICAL EVIDENCE ON THE GROUND AND BY AVAILABLE DEEDS AND PLATS OF RECORD AS OBTAINED FROM THE LANCASTER COUNTY REGISTER OF DEEDS OFFICE. NUMBER 4 REBARS SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
HORIZONTAL AND VERTICAL COORDINATES SHOWN WERE DETERMINED BY USE OF THE DEPARTMENT OF DEFENSE NAVSTAR GLOBAL POSITIONING SYSTEM AND OTHER GLOBAL NAVIGATION SATELLITE SYSTEMS AND ARE REFERENCED TO THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM OF 1983 (SCSPCS83). ALL BEARINGS SHOWN ARE REFERENCED FROM SOUTH CAROLINA GRID NORTH NAD83.
NO PORTION OF THIS PROPERTY LIES IN ANY FEMA DESIGNATED FLOOD HAZARD AREA AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 45057C-0155D DATED JUNE 16 2011.
TRACT SHOWN IS AN EXISTING PARCEL THIS SURVEY DATE. NO NEW EASEMENTS, ROADS, ROADWAYS OR RIGHTS OF WAY HAVE BEEN CREATED THIS SURVEY DATE.
GRAPHIC SCALE - FEET (1"= 150')
0 150 300 450 600 750
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF C.B. ENFINGER, PLS AND WAS COMPLETED ON FEB. 16 2024. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE "MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING" ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA TITLE 40, CHAPTER 22 AND IS OF CLASS "B" STANDARD. THE AREA WAS DETERMINED USING THE DMD METHOD. THE BEARINGS ARE REFERENCED FROM SC GRID NORTH NAD83.
I HEREBY STATE THAT 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. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
CALVIN BUCKNER ENFINGER, SC PLS RLS NO. 17221
SOUTH CAROLINA CERTIFICATE OF AUTHORIZATION ENFINGER & ASSOCIATES NO. C03426
SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR CALVIN S. ENFINGER 17221
PLAT OF BOUNDARY SURVEY FOR
PETER W. SITES
MADISON M. SITES
LANCASTER COUNTY SOUTH CAROLINA
ENFINGER & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
803-286-6181
502 EAST ARCH STREET LANCASTER SOUTH CAROLINA 29720
RESEARCH: CBE EBE
PARTY: CBE
COMPUTER: CBE
CARTOGRAPHER: CBE
DISK: C:\PROJECTS_2024
FILE: 52BFAACC.DWG
BOOK: JTLS JT2 TSC3
TAX MAP: 0050-00-038.02
DATE: FEB. 16 2024
SCALE RATIO: 1: 800 (1"= 150')

limited to: equipment dealers, support uses for agricultural, harvesting, and/or animal production, seasonal packing sheds, etc.

AGRITOURISM Farm-related enterprises that operate for the enjoyment and education of the public and that combine tourism and agriculture such as agriculture cultural centers; hay rides, corn mazes, and petting zoos (farm animals only).

AIRSTRIP/AIRPORT A surface used for take-off and landing of aircraft and the buildings,

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, April 16, 2024** and **Monday, May 13, 2024**, 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. TA-2024-0162: (Continued) Application at the request of Council, to amend the Unified Development Ordinance at Sec. 2.5 Uses Permitted and Sec. 5.9 Industry/ Wholesale/Storage Uses, to establish the newly adopted use "Non-Metallic Mineral Manufacture" as a Conditional Use
2. TA-2024-0344 Application the request of Council to amend the Unified Development Ordinance at Sec. 7.2 Parking and Driveways, to refine regulations for satellite Parking.
3. RZ-2024-0342: Application by Peter Sites to rezone a parcel of 46.883 acres at 1540 Old Pardue Road (TM # 0050-00-038.02) from Low Density Residential (LDR) to Rural Residential (RR) district, in order to develop the site for agrotourism.

The following items only require one public hearing before the Lancaster County Planning Commission on **Tuesday, April 16, 2024**, at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. SD-2022-2122: Application by LGI Homes, Riverchase Estates Partners LLC and R. Joe Harris & Associates for a Preliminary Plat for 578.83 acres on the west side of Riverside Road south of Cobblestone Way (p/o TM# 0030-00-002.00), to develop a 343-lot single family residential subdivision (Section 2 of Riverchase Estates.)
2. SD-2023-2224: Application by David Weekly Homes LLC, HHTF Company LLC and ESP Associates Inc for a preliminary plat for 112.48 acres off Vance Baker Road (TM# 0009-00-015.00) to develop a single family residential subdivision of 91 lots.

The following item requires review by the Lancaster County Planning Commission on April 16, 2024, but does not require a public hearing:

1. NRN-2024-0569: Application by Jan Ringeling and the Moody Group on behalf of Barberville Developers LLC, to name a proposed private road accessing two existing parcels at the intersection of Barberville Road and Fort Mill Highway (TM #s 0006-00-057.00 & 0006-00-058.00).

For the purpose of obtaining oral and written comments from the public regarding the following matter, the Lancaster County Planning Commission and County Council will conduct public hearings on **Thursday, May 2, 2024,** and **Tuesday, May 28, 2024,** 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. CAPITAL IMPROVEMENT PLAN: Review and update of FY2021-2031 Capital Improvement Plan and associated funding requests for FY2025, in alignment with the provisions of the Comprehensive Plan.

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.mylancastersc.org/), email to SSimpson@lancastersc.net, 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 March 30th 2024.

SWORN to before me this 1st day of April, 2024

Ashley L Johnson

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

NOTARY PUBLIC SOUTH CAROLINA

Newspaper Rep Signature Kristi Ross

Agenda Item Summary

Ordinance # / Resolution #: Ordinanace 2024-1906
Contact Person / Sponsor: Dennis Marstall / Administration
Department: Administration
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Adopt an ordinance to provide a citizen referendum vote on November 5, 2024 to determine if residents want to add one-percent (1%) to the local sales tax to generate $400 million specifically for roads and transportation-related projects throughout the county.

Strategic Plan Focus Area Alignment:

Resource Optimization
Optimize sources of non-property tax funding to advance the priorities of the County.

Points to Consider:
Lancaster County has approximately 1,400 miles of publicly maintained roads (900 SCDOT, 500 county/other municipality miles)

Lancaster County, and the municipalities, are heavily dependent on the SC Department of Transportation (SCDOT) for road funding and scheduling of road improvements, as there is very little local funding nor property tax millage dedicated for road projects.

Over the past five years, the County has been able to improve over 94 miles of roads utilizing state and voter-approved capital projects sales tax funding for a combined total of $25 million.

The County Transportation Committee (CTC), in consultation with County Public Works staff and area municipalities, have identified over $400 million in transportation-related projects over the next 15-years. These 125+ projects include major widenings, such as adding one lane in each direction on Highway 521 for 7.5 miles in the Indian Land area, to installing roundabouts, improving intersections, and undertaking significant road resurfacing on roads in each of the four municipalities.

State law 4-37-10 allows counties to implement a Transportation Sales Tax, up to 1%, by referenda vote. The law stipulates that the sales tax can be imposed for not more than 25 years in the aggregate, but can be in smaller timeframes totaling the 25 years. The law also states that the tax shall expire when the timeframe is reached or the dollar amount to be raised has been generated, whichever is first.

The Ordinance would present the county voters with two questions on the general election ballot on November 5, 2024. The first question relates to imposing the sales tax and the second question authorizes the revenue from the sales tax to be used to support the issuance of general obligation debt to fund the transportation-related projects, similar to the following:

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Lancaster County for not more than fifteen (15) years, or until a total of $400,000,000 in resulting revenue has been collected, whichever occurs first. The sales tax proceeds will be used to finance the costs of highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects facilities, including but not limited to drainage facilities relating to the highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects. $_____

YES _____
NO _____

Instructions to Voters:
All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote “YES;” and

All qualified electors opposed to levying the special sales and use tax shall vote “NO.”

QUESTION 2

I approve the issuance of not exceeding $_____ of general obligation bonds of Lancaster County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed fifteen (15) years, to fund completion of projects described in Question 1 above.

YES _____
NO _____

Instructions to Voters:
All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote “YES;” and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote “NO.”

Without the sales tax funding, it could take 50 years to complete all the transportation projects identified on the County roads need list, and will be on the SCDOT timeframe.

Funding and Liability Factors:
A one-percent sales tax implemented on May 1, 2025 is projected to generate $419 million over the next 15 years.

This projection is financially conservative based on the transportation sales tax generating at least $15 million in the first year with a growth factor of 9% for the first 7 years and a 7% growth factor in the last eight years of the sales tax.

The projection is based on the trend history of the existing one-percent capital project sales tax, which generated $16.3 million in FY23 and has yielded a 9.2% average growth rate over the past 14 years.

If adopted, the Lancaster County Sales Tax would rise to 9% on all applicable goods and services and would make the county the fifth in the state to have a separate and dedicated transportation sales tax.

Recommendation:
Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1906	5/10/2024	Ordinance
Power Point Presentation	5/10/2024	Presentation

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2024-1906

AN ORDINANCE

TO LEVY AND IMPOSE A ONE PERCENT SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN LANCASTER COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF LANCASTER COUNTY; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

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

Section 1. Findings.

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

(a) The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the "Act"), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

(b) Pursuant to the terms of Section 4-37-10 of the Code of Laws of South Carolina 1976, as amended (the S.C. Code"), the South Carolina General Assembly has authorized county government to finance the costs of highways, roads, streets, bridges and other transportation-related projects either alone or in partnership with other governmental entities. As a means to furthering the powers granted to the County under the provisions of Section 4-9-30 and Sections 6-21-10, *et seq*. of the S.C. Code, the County Council is authorized to form a transportation authority or to enter into a partnership, consortium, or other contractual arrangement with one or more other governmental entities pursuant to Title 4, Chapter 37 of the S.C. Code. The County Council has decided to provide funding for highways, roads, streets, bridges, greenways, and other transportation-related projects, *inter alia*, without the complexity of a transportation authority or entering into a partnership, consortium, or other arrangements with one or more other governmental entities at this time; provided that nothing herein preclude County Council from entering into partnerships, consortiums, or other contractual arrangements in the future. County Council may utilize such provisions in the future as necessary or convenient to promote the public purposes served by funding highways, roads, streets, bridges, greenways, and other transportation-related projects as provided in this Ordinance.

(c) The County Council finds that a one percent sales and use tax should be levied and imposed within the County, for financing the costs of highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects facilities, including but not limited to drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects (the "Projects").

For a period not to exceed 15 years from the date of imposition of such tax, to fund the Projects at a maximum cost not to exceed $400,000,000 to be funded from the net proceeds of a sales and use tax imposed in the County pursuant to provisions of the Act, subject to approval of the qualified electors of the County in referendum to be held on November 5, 2024. The imposition of the sales and use tax and the use of sales and use tax revenue, if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the Projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the Projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the Projects. All spending shall be subject to an annual independent audit to be made available to the public.

(d) County Council finds that the imposition of a sales and use tax in the County for the Projects and purposes defined in this Ordinance for a limited time not to exceed 15 years to collect a limited amount of money will serve a public purpose, provide funding for highways, roads, streets, bridges, greenways, and other transportation-related projects as provided in this Ordinance to facilitate economic development, promote public safety, provided needed infrastructure, promote desirable living conditions, enhance the quality of life in the County, and promote public health and safety in the event of fire, emergency, panic, and other dangers, and prepare the County to meet present and future needs of Lancaster County and its citizens.

Section 2. Approval of Sales and Use Tax Subject to Referendum.

(a) A sales and use tax (the "Sales and Use Tax"), as authorized by the Act, is hereby imposed in the County, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the Sales and Use Tax to be held in the County on November 5, 2024.

(b) The Sales and Use Tax shall be imposed for a period not to exceed 15 years from the date of imposition.

(c) The maximum cost of the Projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of $400,000,000, and the maximum amount of net proceeds to be raised by the tax shall not exceed $400,000,000, which includes administrative costs and debt service on bonds issued to pay for the Projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the Projects and to be paid by a portion of the Sales and Use Tax is $_____.

(d) The Sales and Use Tax shall be expended for the costs of the following Projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such Projects, for financing the costs of highways, roads, streets, bridges, greenbelts, pedestrian and bike paths, sidewalk improvements and other transportation-related projects facilities, including but not limited to drainage facilities relating to the highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects including but not limited to: Widening Highway 521 and other major road widenings; intersection improvements;

roundabouts; County-maintained road priorities; resurfacing/rehabilitation of County, South Carolina Department of Transportation, and municipal roads; and transportation related to economic development projects.

The amount of the maximum total funds to be collected which shall be expended for these Projects and purposes shall be no more than $400,000,000.

(e) If the Sales and Use Tax is approved by a majority of the qualified electors voting in a referendum to be held in the County on November 5, 2024, the Sales and Use Tax is to be imposed on the first day of May, 2025, provided the Board of Voter Registration and Elections of Lancaster County (the "Elections Board") shall certify the results not later than November 30, 2024, to Lancaster County Council and the South Carolina Department of Revenue. Included in the certification must be the maximum cost of the Projects to be funded in whole or in part from the proceeds of the Sales and Use Tax, the maximum time specified for the imposition of the Sales and Use Tax, and the principal amount of initial authorization of bonds, if any, to be supported by a portion of the Sales and Use Tax.

(f) The Sales and Use Tax, if approved in the referendum conducted on November 5, 2024, shall terminate on the earlier of:

(i) on April 30, 2040; or

(ii) the end of the calendar month during which the Department of Revenue determines that the Sales and Use Tax has raised revenues sufficient to provide the greater of either the costs of the Projects as approved in the referendum or the cost to amortize all debts related to the approved Projects.

(g) Amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each project for which the Sales and Use Tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of the County on transportation infrastructure debts only.

(h) The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the Sales and Use Tax.

(i) The Sales and Use Tax is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 of the S.C. Code and the enforcement provisions of Chapter 54 of Title 12 of the S.C. Code. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the S.C. Code are exempt from the Sales and Use Tax imposed by this Ordinance. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture Food Stamps are exempt from the Sales and Use Tax imposed by this Ordinance. The Sales and Use Tax imposed by this Ordinance also applies to tangible property subject to the use tax in Article 13, Chapter 36 of Title 12 of the S.C. Code.

(j) Taxpayers required to remit taxes under Article 13, Chapter 36 of Title 12 of the S.C. Code must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(k) Utilities are required to report sales in the county in which the consumption of the tangible personal property occurs.

(l) A taxpayer subject to the tax imposed by Section 12-36-920 of the S.C. Code who owns or manages rental units in more than one county must report separately in his sales tax return the total gross proceeds from business done in each county.

(m) The gross proceeds of sales of tangible personal property delivered after the imposition date of the Sales and Use Tax, either under the terms of a construction contract executed before the imposition date, or written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the Sales and Use Tax provided in this ordinance if a verified copy of the contract is filed with Department of Revenue within six months after the imposition date of the sales and use tax provided for in this Ordinance.

(n) Notwithstanding the imposition date of the Sales and Use Tax with respect to services that are billed regularly on a monthly basis, the Sales and Use Tax authorized pursuant to this ordinance is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 3. Procedures Related to Distribution of Sales and Use Tax.

(a) The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administrating the tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these distributions must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or County code errors must be corrected prospectively.

(b) (i) Any outside agencies, political subdivisions or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(ii) County Council shall adopt annually and prior to the beginning of fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(iii) Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

(c) The Department of Revenue shall furnish data to the State Treasurer and to the Lancaster County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240 of the S.C. Code. Any person violating the provisions of this section shall be subject to the penalties provided in Section 12-54-240 of the S.C. Code.

Section 4. Sales and Use Tax Referendum; Ballot Question.

(a) The Elections Board shall conduct a referendum on the question of imposing the Sales and Use Tax in the County on Tuesday, November 5, 2024, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, mutatis mutandis. The Elections Board shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of Projects and purposes as set forth herein, and the cost of Projects, and shall publish such election and other notices as are required by law.

(b) The referendum question to be on the ballot of the referendum to be held in Lancaster County on November 5, 2024, must read substantially as follows:

LANCASTER COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Lancaster County for not more than twenty-five (25) years, or until a total of $400,000,000 in resulting revenue has been collected, whichever occurs first. The sales tax proceeds will be used to finance the costs of highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects facilities, including but not limited to drainage facilities relating to the highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects. $_____.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote "YES;" and

All qualified electors opposed to levying the special sales and use tax shall vote "NO."

QUESTION 2

I approve the issuance of not exceeding $_____ of general obligation bonds of Lancaster County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed fifteen (15) years, to fund completion of projects described in Question 1 above.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES;" and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

(c) In the referendum on the imposition of the Sales and Use Tax in the County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "yes" and all qualified electors opposed to levying the tax shall vote "no." If a majority of the electors voting in the referendum shall vote in favor of imposing the tax, then the tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by the County.

(d) In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote "yes" and all qualified electors opposed to the issuance of bonds shall vote "no". If a majority of the electors voting in the referendum shall vote in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with S.C. Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by the County.

Section 5. Imposition of Sales and Use Tax Subject to Referendum.

The imposition of the Sales and Use Tax in the County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing the Sales and Use Tax in the County in a referendum to be conducted by the Elections Board on November 5, 2024, and the favorable vote of a majority of the qualified electors voting in such referendum shall be a condition precedent to the imposition of the Sales and Use Tax pursuant to the provisions of this Ordinance.

Section 6. Miscellaneous.

(a) If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however, that the Sales and Use Tax may not be imposed without the favorable results of the referendum to be held on November 5, 2024.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in this State.

(c) The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this ordinance.

(d) All previous ordinances regarding the same subject matter as this Ordinance are hereby repealed.

Section 7. **Effective Date.** This ordinance is effective upon third reading.

AND IT IS SO ORDAINED, THIS _____ DAY OF _____, 2024.

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

1st reading:	May 13, 2024
Public Hearing:	May 28, 2024
2nd reading:	May 28, 2024
3rd reading:	June 10, 2024

Lancaster County
South Carolina

TRANSPORTATION SALES TAX PROPOSAL



County Council Meeting
May 13, 2024

Lancaster County
South Carolina

Road Funding Proposal

- Lancaster County has roughly 1,400 miles of publicly maintained roadway (900 SCDOT miles, 500 county/other municipality miles)
- From 2018 through 2024, over 94 miles have been improved.
- Funding for these improvements are Capital Sales Project 2, Capital Project Sales Tax 2 Proviso, Lancaster County Transportation Committee (C-funds/gas tax), and a Road Fee (Preservation/Contractual projects).

Lancaster County
South Carolina

Road Funding Proposal

- Current Funding estimates:
  - CPST 2 Proviso - $9,000,000 to be completed by 2025
  - CTC - $1,400,000 per year
  - Road Fee - $800,000 per year (remaining fee total offsets Road Maintenance budget)
- Only option to address future road needs is a dedicated funding stream.

Lancaster County
South Carolina

Road Funding Proposal

- Subject to successful referenda, a County can have the Capital Project Sales Tax pursuant to SC Code 4-10-300 **and** a Transportation Sales Tax pursuant to 4-37-10.
- Potentially, Lancaster Co could have 3 sales taxes. The SC Attorney General has provided an opinion that Lancaster Co can have the Local Option Sales Tax, the Capital Project Sales Tax and the Transportation Sales Tax subject to a successful referendum.
- Legislation provides up to 1% that can run concurrently with other sales tax.
- Can impose for no more than 25 years in the aggregate, or in smaller increments
- Sales tax ends when years or authorized revenue amount is reached, whichever is first.
- Revenue estimated at $400+ million

Lancaster County
South Carolina

Revenue Projection

Current 1% Capital Projects Sales Tax

- Average growth 9.2% (2010 – 2023)
- FY22 -- $15,251,633
- FY23 -- $16,384,986

15-year projection -- $419,336,319 *(starting at $15 million)*

- 9% growth – Year(s) 1 – 7
- 7% growth – Year(s) 8 – 15

Lancaster County
South Carolina

Road Funding Proposal

- County Transportation Committee reviewed 132 individual roads and 50+ intersections, safety concepts, trails, sidewalks, signalization, and other transportation related items
- Met four times
  - January 24, 2024
  - February 21, 2024
  - March 14, 2024
  - March 28, 2024
- Recommend over 125 roads and transportation-related projects

Highway 521/Major Road Widenings ($140 million)

- Highway 521 (Highway 75 to NC state line) – Major contribution to widening/improving 521. $60 million
  - CPST 3 has programmed $10 million already and the sales tax could include an additional $60 million, which would include burying powerlines, landscaping, and a possible multipurpose trail/sidewalk in the ROW.
- Harrisburg Road (Barberville Road to NC state line) – 3 lane Harrisburg road, $20 million, incorporating any improvements from recent developments, possibly including pedestrian connectivity.
- Barberville Road (Highway 160 to Harrisburg Road and possibly to NC state line) – 3 lane Barberville Road, $20 million, which could include sidewalks/multipurpose trail in ROW. Henry Harris Road (Highway 521 to Marvin Road) – 3 lane Henry Harris Road.
- Henry Harris Road (Marvin Road to Highway 521) 3 lane, $30 million (staff added)
- Riverside Road – Widening Riverside Road- Hwy 9 Bypass to University Drive $10 million

Intersection Improvements ($30 million)

- Shiloh Unity @ Unity Church
- US 601 @ 265 New Hope Road @ Solar Road
- Gillsbrook Road / Highway 9 – Extend turn lane
- Shiloh Unity @ 522
- Shelly Mullis Road / US 521 - Turn lane
- Henry Harris Road / Stacie Howie Road - Configuration/alignment
- Sun City @ Promenade
- SC 9 @ Potter Road
- Camp Creek Road / Rocky River Road
- Grace Avenue / Bethel Road- "yield at the church"
- Bethel Road & Bethel Boat Landing

Roundabouts ($15 million)

- Henry Harris Road / Marvin Road
- Steel Hill Road / Van Wyck Road
- University Drive / Hubbard Drive
- Shiloh Unity Road @ 200
- Shiloh Unity Road @ Camp Creek Road

Lancaster County - Maintained Road Priorities ($5 million)

- Vance Baker Road - $1.5 million
- Calvin Hall Road (County portion) -- $1.8 million
- Sandra Lane - $1.2 million
- Reece Road / Lymon Reece Road --$500,000

Resurfacing / Rehabilitation of County, SCDOT and Local Municipality Identified Roads ($75 – 100 million)

- Lancaster County
- City of Lancaster
- Town of Kershaw
- Town of Van Wyck
- Town of Heath Springs
- SCDOT lower volume / rural intersections

Lancaster County
South Carolina

SCDOT -- Resurfacing

SCDOT Secondary Resurfacing ($25 million)

- Lynwood Drive
- W Shiloh Unity Road
- Doc Garris Road
- S Potter Road
- McCardell Street
- Heyward Hough Road
- Camp Creek Road
- Beacon Road
- Country Club Road
- Airport Road
- McIlwain Road

Economic Development ($8 million)

- Business Parks -- road improvements
- Air Rail Park – road connectivity for lot 6.
- Land Acquisition for future collector roads

Greenways / Sidewalk Repairs / Sidewalk Additions ($5 million)

- Indian Land Trail (Six-mile creek) – $2.5 million
- Lindsay Pettus Greenway (expansion) – $2.0 million
- Miscellaneous Sidewalks – $500,000

Miscellaneous ($22 million)

- Matching funds requirement
- Inflation -- contingency
- Property Acquisition
- Project management/Administration

Lancaster County
South Carolina

Transportation Sales Tax Proposal

Summary of County Transportation Committee Recommendations

- Highway 521 / Major Widenings -- $120 million
- Intersection Improvements -- $30 million
- Roundabouts -- $15 million
- Lancaster County-maintained Road Priorities -- $5 million
- Resurfacing / Rehabilitation of County / SCDOT / Local Municipality Roads -- $75 M
- SCDOT Secondary Resurfacing -- $25 million
- Economic Development -- $8 million
- Greenways / Sidewalk Repairs / Sidewalk additions -- $5 million
- Miscellaneous -- $22 million

Total Recommended -- $305 million

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Lancaster County
South Carolina

Transportation Sales Tax Proposal

Staff Recommendation:

CTC Recommendations -- $305 million

Plus

- Harrisburg Road (add from Barberville Road to Calvin Hall Rd – to address Future Fire Station and new schools) -- $10 million
- Barberville Road (add from Harrisburg Road to State line – to address new school) -- $10 million
- Henry Harris Road Widening (add back in) -- $20 million
- Resurfacing (add some back in) -- $25 million
- Greenways and Sidewalks (add some back in) -- $2 million
- Signalization -- lighted street signs and mast arm poles, utility issues (add back in) -- $15 million
- Miscellaneous/matching funds/inflation/property acquisition/project mgmt./administration (add more in) -- $8 million

Staff Total Additions -- $95 million

Total CTC and Staff recommendation -- $400 million

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Lancaster County
South Carolina

Transportation Sales Tax Proposal

125+ projects

Projects	CTC Recomm.	Additional Staff Recomm	Total
Highway 521 /Major Widenings	$120	$45	$165
Intersection Improvements	$30	$0	$30
Roundabouts	$15	$0	$15
County-maintained roads	$5	$0	$5
Resurfacing – co, state, municipalities	$75	$25	$100
SCDOT secondary rd resurfacing	$25	$0	$25
Economic Development	$8	$0	$8
Greenways and Sidewalks	$5	$2	$7
Signalization and Mast Arm / utilities	$0	$15	$15
Miscellaneous	$22	$8	$30
TOTAL	**$305**	**$95**	**$400**

Lancaster County
South Carolina

Transportation Sales Tax Proposal

- 4 counties have Transportation Sales Tax
  - Berkeley
  - Charleston
  - Dorchester
  - Richland

    ** Horry discussing
- 2 Counties have three local sales taxes
  - Berkeley
  - Charleston

    ** potentially Horry

Lancaster County
South Carolina

Transportation Sales Tax Proposal

2023 Sales Tax by County

Abbeville	7%	Chesterfield	8%	Hampton	7%	Newberry	7%
Aiken	8%	Clarendon	8%	Horry	8%	Oconee	6%
Allendale	8%	Colleton	8%	Horry-Myrtle Beach	9%	Orangeburg	7%
Anderson	7%	Darlington	8%	Jasper	8%	Pickens	7%
Bamberg	8%	Dillon	8%	Kershaw	8%	Richland	8%
Barnwell	8%	Dorchester	7%	Lancaster	8%	Saluda	8%
Beaufort	7%	Edgefield	8%	Laurens	8%	Spartanburg	7%
Berkeley	9%	Fairfield	7%	Lee	8%	Sumter	7%
Calhoun	8%	Florence	8%	Lexington	7%	Union	7%
Charleston	9%	Georgetown	6%	McCormick	8%	Williamsburg	8%
Cherokee	8%	Greenville	6%	Marion	8%	York	7%
Chester	8%	Greenwood	7%	Marlboro	8%		

County voters would have two questions on the general election ballot on November 5, 2024.

1. impose the sales tax
2. authorize the revenue from the sales tax to be used to support the issuance of general obligation debt to fund the transportation-related projects

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Lancaster County for not more than fifteen (15) years, or until a total of $400,000,000 in resulting revenue has been collected, whichever occurs first. The sales tax proceeds will be used to finance the costs of highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects facilities, including but not limited to drainage facilities relating to the highways, roads, streets, bridges, greenways, pedestrian and bike paths, sidewalk improvements and other transportation-related projects. $_____

YES _____

NO _____

QUESTION 2

I approve the issuance of not exceeding $_____ of general obligation bonds of Lancaster County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed fifteen (15) years, to fund completion of projects described in Question 1 above.

YES _____

NO _____

Lancaster County
South Carolina

Transportation Sales Tax Proposal

- Future Transportation plan is a necessity and growth will dictate.
- Large Transportation projects take time and funding so it will be critical to locate and utilize a dedicated funding stream.
- C funds, Road fees, and portions of capital sales dedicated to roads will not be close to enough for our future transportation infrastructure needs and traffic solutions.
- ***A dedicated sales tax for roads will provide consistent funding to address the growing road needs throughout the County.***

Lancaster County
South Carolina

Transportation Sales Tax Proposal

Timeline

January – April 2024
Determine potential projects and recommend to County Council with estimated costs

May 13, 2024
First reading of ordinance to set referendum and provide ballot question

August 1, 2024
Voter's Registration needs approved Ordinance

September – October 2024
Education Campaign

November 2024
General Election

Lancaster County
South Carolina

Questions

Transportation / Roads Sales Tax Proposal

400 by 2040

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1907
Contact Person / Sponsor: Sabrena Harris / Finance Director
Department: Finance
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Amend the FY 2024 Budget for the following:

- Within the Road Maintenance and Solid Watse departmental budgets, transfer funds to cover the cost associated with the purchase of a used dozer to assist with heavy construction work.

Strategic Plan Focus Area Alignment:

Infrastructure
Meet the demands of the growth of the County without negatively impacting the quality of service.

Points to Consider:
Public Works has identified a need for a new bulldozer in the road maintenance department and has included a request for $260,000 in their FY25 capital budget.

Staff recently learned there is a used 2017 bulldozer available for $112,600 (including a trade-in credit of $17,400) that would meet the County Road needs and eliminate the need for a brand new dozer, thus saving the County money.

There is not enough money in the FY24 roads budget to cover the full price of this dozer, but funding can be freed up in the solid waste fund of public works to help support this purchase. However, the transfer amount is above the County Administrator's $20,000 threshold to transfer, thus this requires Council action.

This budget adjustment authorizes the transfer of $63,000 from the Solid Waste Management departmental budget to Road Maintenance.

This purchase will eliminate the need for a $260,000 capital request for a brand new dozer in next fiscal year and will support the work of Public Safety, Parks and Recreation, and other departments in need of heavy construction assistance.

Funding and Liability Factors:
The cost of the requested, used 2017 dozer is $112,600 (including a trade-in credit of $17,400), which is less than the requested FY25 funding for a new 2025 bulldozer costing approximately $260,000.

Recommendation:
Approve the Transfer Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2024-1907	5/9/2024	Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2024-1907

~~Indicates Matter Stricken~~
Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2024-1849, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024 (FY 2023-2024), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

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

Section 1. Appropriations; Detailed Budget.

(a) Section 2 and Section 4. of Ordinance No. 2023-1849 are amended to read:

A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2023, and ending June 30, 2024 (FY 2023-2024):

APPROPRIATIONS	AMOUNT
Airport Fund	376,738
Capital Improvement Fund	3,901,970
Capital Project Sales Tax 2 Fund	16,500,000
County Debt Fund	4,511,750
County Transportation Committee Fund	19,379,024
Court Mandated Security Fund	2,088,988
E-911 Fund	1,623,052
General Fund	91,647,455
Hospitality Tax Fund	1,900,000
Indian Land Fire Protection District Fund	364,410
Local Accommodations Tax Fund	120,000
Pleasant Valley Fire Protection District Fund	416,186
Victims Services Fund	47,000
State Accommodations Tax Fund	224,250
Stormwater Fund	2,825,512
Van Wyck Fire Protection District Fund	155,520
Capital Project Sales Tax 3 Fund	29,001,500
Indian Land Consolidated Fire District	3,980,481

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the adopted FY 2023-2024 Annual Budget, as previously approved by Council via Ordinance No. 2023-1849, for the following items:

		Revenue	Expense
General Fund	Departmental Budget Transfer Equipment-Capitalized – Used Dozer Purchase		$63,000
General Fund	Departmental Budget Transfer Equipment-Capitalized		($63,000)

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.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this _____ day of _____, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	May 13, 2024
Second Reading:	May 28, 2024
Public Hearing:	June 10, 2024
Third Reading:	June 10, 2024

Approved as to form:

_____
Virginia L. Merck-Dupont, County Attorney

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Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson/Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Whether to appoint Monty King to the Van Wyck Fire Protection District Fee Board. If appointed, he would be filling his second term that would expire on 06/30/2027.

Strategic Plan Focus Area Alignment:

Points to Consider:
Monty King's application is attached for Council's review and consideration.

Funding and Liability Factors:
N/A

Recommendation:
Approve the appointment.

ATTACHMENTS:

Description	Upload Date	Type
Application from Monty King	5/1/2024	Backup Material

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Monty King **County Council District** _____

Mailing Address _____ **City/Zip** Lancaster/29720

Street Address _____ **Registered Voter** yes____ no____

Tel. Number (home) _____ **(work)** _____ **(other)** _____

Email: _____

Occupation Vice President **Place of employment** National OnDemand, Inc.

Address Burlington NC. Work from home **Normal working hours** 8 to 5

(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 Van Wyck Fire Dept. Fee Board **2nd choice** Open to serve other boards if needed.

3rd choice _____

Reason for interest

Served 1 - 2 yr term and felt I brought value to the department and community. I have a strong finance background as well. Live in Van Wyck as well. Love to serve another term for 4 years

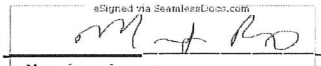
Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

Strong financial background. Was a EMT first responder and understand the fire department needs. I'm available and would love to support the community and department.

Do you presently serve any State, County or Municipal Boards? Yes **If yes, list** Van Wyck Fire Dept.

Have you ever served on a county board? Yes **If yes, list** Van Wyck Fire Dept. Fee Board

Additional pertinent information

Applicant's signature  **Date** _____

eSigned via SeamlessDocs.com
Key: 349d9b47d82d0a97ae284bd1c81dd9b1

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

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1896 - HOLD
Contact Person / Sponsor: A. Hardin / Planning
Department: Planning
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Consider proposed ordinance for use change to the Light Industrial Districts.

Strategic Plan Focus Area Alignment:

Points to Consider:
As discussed in previous Council meetings, there are uses currently allowed in the Light Industrial (LI) district list of permitted uses that are out of sync with the primary uses in LI districts. This ordinance seeks to remedy that.

Funding and Liability Factors:
N/A

Recommendation:
Approve Ordinance 2024-1896.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2024-1898 - HOLD
Contact Person / Sponsor: Ginny Merck-Dupont / County Attorney
Department: Attorney
Date Requested to be on Agenda: 5/13/2024

Council Action Requested:
Council is being asked to approve this Ordinance removing the current Council Rules of Procedures and, then, on the 3rd Reading of the Ordinance, Council will also adopt new and updated Rules of Procedure via Resolution.

Strategic Plan Focus Area Alignment:

Points to Consider:
County Council's current Rules of Procedure were adopted August 10, 2020, which helped to address many of the issues facing governing bodies during the COVID Pandemic.

The current Rules of Procedure mirror the Model Rules of Parliamentary Procedures for South Carolina Counties published by the South Carolina Association of Counties with some modifications to work with existing Lancaster County practices and procedures.

The current Rules of Procedure include a great deal of verbatim statutory law, particularlyin regards to FOIA requirements. County Council's current Rules of Procedure are also required to be utilized by all Boards and Commissions for which the County Council appoints a majority of the members.

As was discussed during the Council Retreat, and March COW meeting, the update to Council's Rules of Procedure will help define current practices and streamline the rules to allow for uniformity across Council appointed Boards and Commissions.

A combination of adjustments to certain current rules along with prior rules, and some new rules, are being suggested for Council's consideration and adoption at the April 22nd Council Meeting via resolution.

This ordinance is a necessary step in the process to remove the current Rules and then adopt the new rules in April.

Funding and Liability Factors:
There are no funding or liability factors regarding this Ordinance.

Recommendation:
Approve the Ordinance as written.