

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 8, 2023

6:00 PM

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

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

AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Terry Graham**

4. **Approval of the Agenda**

[deletion and additions of non-substantive matter]

5. **Citizens Comments**

[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@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.]

6. **Special Presentations**

- a. Recognition of Lamar Lambert for Winning the Veterans of Foreign Wars (VFW) Public Servant Award - Presented by Ken Obriot, VFW Post 12136

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 19, 2023 Budget Workshop Meeting
- b. Approval of Minutes from the April 24, 2023 County Council Regular Meeting

8. Non-Consent Agenda

- a. Resolution 1239-R2023 regarding Approval of Grant Match Funds for the Rural Infrastructure Authority (RIA) Grant Award
Resolution Title: A Resolution To Direct County Staff To Take Appropriate Action To Move Forward With The Road Drainage Improvements Grant Match Award, To Execute Such Other Documents As May Be Necessary And Convenient, And To Take Any Other Action As May Be Needed To Carry Into Effect This Resolution. - **Dennis Marstall**
- b. Public Hearing and Resolution 1236-R2023 regarding Approval of a Conditional Use Permit to Allow Development of an Oil Change Facility
Resolution Title: A Resolution To Approve The Favorable Recommendation Of Both The Lancaster County Planning Staff And The Lancaster County Planning Commission Of A Conditional Use Application To Permit A Minor Maintenance And Repair (Auto) To Be Located Upon Tax Map# 0013-00- 018.00), At The Intersection Of Doby's Bridge Road And Charlotte Hwy / US 521 For The Purpose Of Developing An Oil-Change Business. - **Planning Case Number: CU-2022-2541. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the conditional use application.** - Allison Hardin
- c. 3rd Reading of Ordinance 2023-1843 Regarding Amending the Unified Development Ordinance for Building Height Requirements (Applicant Lancaster County Water And Sewer District)
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.4, Building Heights, To Exempt Lancaster County Water & Sewer District (LCW&SD) Water Tank Towers From Height Regulations And Alter Setback Requirements For The Towers On The Effective Date Of This Ordinance - **Planning Case Number: UDO-TA-2023-0188. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the text amendment. Passed 7-0 at the April 11, 2023 County Council Meeting. Passed 7-0, with amendment, at the April 24, 2023 County Council Meeting.** - Allison Hardin
- d. 3rd Reading of Ordinance 2023-1844 regarding Approval of an Easement for Duke Power
Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located At 1140 Elliott Street Bearing Tax Parcel Number 0082D-0K-020.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance. - **Passed 6-1 at the April 11, 2023 County Council Meeting (Allen Blackmon Opposed). Passed 6-1 at the April 24, 2023 County Council Meeting (Allen Blackmon Opposed).** - Dennis Marstall
- e. Public Hearing and 1st Reading of Ordinance 2023-1847 regarding Rezoning Property Located at 3867 Pageland Highway from RR to RUB to Remedy Non-Conformity and to Allow Minor Subdivision of Property (Applicant Richard F. Duncan)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 1.206 Acres (Portion Of TM 0059-00-058.00) Located At 3867 Pageland Hwy, From Rural Residential (RR) District To Rural Business (RUB) District. - **Planning Case Number: RZ-2023-0215. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning project.** - Allison Hardin

9. Discussion and Action Items

- a. Approval of Appointments to Various Boards or Commissions
 - Ann Christie as the District 6 Representative on the Historical Commission to fill a four year year term that would expire on 06/30/2027 (1st Term)
 - Tim Hammond as the District 2 Representative on the Historical Commission to fill a four year term that would expire on 06/30/2027 (1st Term)
 - Ronald S. Patton as an Advisor on the Historical Commission to fill an unexpired term that

would end on 06/30/2023 AND to fill a four year term that would end on 06/30/2027

- Demetra Cornwell as the District 4 Representative on the Historical Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year term that would end on 06/30/2027 (1st Term)
- Dr. Deborah B. Cureton as an At Large Representative on the Library Board to fill a four year term that would expire on 06/30/2027 (2nd Term)
- T. Yokima Cureton as the District 2 Representative on the Planning Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year term that would expire on 06/30/2027 (1st Term)

- b. American Rescue Plan Act (ARPA) Recommended Projects - Dennis Marstall
- c. Discussion of Freedom of Information Act (FOIA) Request Processing and Fees - Dennis Marstall/Ginny Merck-Dupont
- d. Budget Recommendations - Dennis Marstall

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

- a. POSTPONED UNTIL THE 5/22/2023 COUNCIL MEETING PER APPLICANT'S REQUEST- Public Hearing and 3rd Reading of Ordinance 2023-1842 regarding Authorization of a Special Source Revenue Credit Agreement with Project Spider
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And [An Entity Previously Identified By The County As Project Spider], Including Any Related Or Affiliated Entities, Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - ***Passed 6-0 at the March 27, 2023 County Council Meeting (Charlene McGriff Absent). Passed 7-0 at the April 11, 2023 County Council Meeting. - Brian Fulk***
- b. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 2nd Reading of Ordinance 2022-1831 regarding Rezoning Property Located at 4263 Doby's Bridge Road, Indian Land, SC, from Low Density Residential District (LDR) to Institutional District (INS) to Allow Development of a Daycare Facility
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.84 Acres (TM# 0013-00-024.00) Located At 4263 Doby's Bridge Road, Indian Land, From Low Density Residential (LDR) District To Institutional (INS) District. - ***Planning Department Case Number: RZ-2022-1759. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Public Hearing held at the November 14, 2022 County Council Meeting but 1st Reading deferred until the January 9, 2023 County Council Meeting. Passed 5-2 at the January 9, 2023 County Council Meeting (Opposed Jose Luis and Billy Mosteller). 2nd Reading Postponed until the June 12, 2023 County Council Meeting by a vote of 6-1 (Opposed Jose Luis). - Allison Hardin***
- c. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights
Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures. - ***Postponed to June 12, 2023 at the April 11, 2023 County Council Meeting. - Chris Clouden***

11. Miscellaneous Reports and Correspondence

12. Executive Session

[motions from Members may follow]

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://mylancastersc.org/government/lancaster_county_council/County_Council_Meetings.php*

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Recognition of Lamar Lambert with 911 Communications for winning the VFW Public Servant Award.

Points to Consider:

Lamar Lambert was nominated for the VFW Public Servant Award by Robert Purser, Director of Public Safety Communications. In his nomination form, Mr. Purser explained that Lamar has worked with Public Safety Communications for 8 years and that he maintains all radios and radio towers in Lancaster County. He noted that he maintains 8 radio towers and over 650 radios. He further noted that Lamar is a dedicated, knowledgeable, and dependable, which results in very few, if ever, radio network downtime.

Funding and Liability Factors:

N/A

Recommendation:

This item is for information for Council and citizens.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson / Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Approve or amend the minutes from the April 19, 2023, Budget Workshop meeting.

Points to Consider:

The draft minutes from the April 19, 2023, 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 4-19-2023 Budget Workshop Meeting	5/2/2023	Backup Material

DRAFT

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 19, 2023

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

Council Members present: Allen Blackmon, Brian Carnes, Steve Harper, Charlene McGriff (*who left the meeting early at approximately 2:00 p.m.*) and Billy Mosteller.

Council Members absent: Terry Graham and Jose Luis.

Staff Members/Others present: Dennis Marstall, County Administrator; John Bodner, Assistant County Administrator; Sherrie Simpson, Clerk to Council; Kim Belk, Budget Director; Lisa Robinson, Human Resources Director; Veronica Thompson, Chief Financial Officer; Ginny Merck-Dupont, County Attorney; Graham Shuford, Budget Analyst; Probate Judge Mary Rathel; Sheriff Barry Faile; Auditor Suzette Murphy; Treasurer Carrie Helms; Cathy McDaniel, Procurement Director; various Department Heads; various staff; and press.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The updated County 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 Allen Blackmon

Allen Blackmon 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 Brian Carnes. Motion Passed 5-0.; Absent: Graham, Luis

Discussion and Action Items

Discussion of Personnel Budget

Dennis Marstall provided an overview of the Workshop by explaining that Council would be discussing personnel, investment policies, and construction/project management. Dennis Marstall, Kim Belk, Veronica Thompson, and John Bodner provided the information to Council via the updated County power point presentation and that presentation is attached to the written minutes in the Clerk to Council's office.

Dennis Marstall began the meeting by discussing the personnel budget. He reviewed the budget goals with Council. Next, Kim Belk explained that personnel comprised the largest component of the budget and was a significant investment. She began her presentation by reviewing the current County workforce as to the number of employees, the tenure of employees, and the compensation of employees. Council and staff discussed job classifications, pay scales, the Consumer Price Index (CPI) adjustments that have been made to employee pay, and the minimum pay for part-time employees. Council agreed that the County needed a Human Resources (HR) policy on employee pay adjustments and pay structure. Kim Belk provided a summary of costs for new personnel requests from departments for the Fiscal Year 2023-2024 budget. Then, she discussed the costs for a pay increase similar to last fiscal year for all employees and the costs for the proposed fifteen percent pay increase for the Sheriff's career ladder for the upcoming fiscal year. She then provided a detailed list of all the new personnel requested from departments for the upcoming fiscal year and what the costs would be to add those new employees. After that, she reviewed the new mandated payroll adjustments from the State for the employer portions of Health Insurance and Retirement. Council discussed whether the County should move to more contracted employees versus full time employees and possible continued increases in the employer contributions for State Retirement. Kim Belk reviewed other potential benefit enhancements for employees in the upcoming fiscal year: an expansion of the Christmas bonus, paid parental leave, and a County contribution to a 401k/457 account. Council and staff discussed a possible 401k supplement, possible paid parental leave versus family medical leave act (FMLA) leave, and the need for a policy on parental leave that Council could approve via Resolution. Charlene McGriff left the meeting for another appointment. Dennis Marstall explained that any potential gains in revenue could be offset by compensation alone, without including capital equipment requests and other increased costs. Council and staff discussed the next steps in the budget process and the need for more data when trying to evaluate the need for additional staff.

Veronica Thompson, Chief Financial Officer, and Treasurer Carrie Helms led a discussion on the County investment policy via the updated County power point presentation. Veronica Thompson reviewed the best practices for investment policies according to the Government Finance Officers Association (GFOA). Carrie Helms reviewed the role of the County Treasurer as it applies to the County investment policy. She noted that State Code Section 12-45-220 deals with investments by the County Treasurer and that County Code Section 2-223 also deals with investments. She and Dennis Marstall explained that included in the power point was information regarding the County's investment accounts at the South Carolina Office of the State Treasurer and from First Citizens. Council and staff discussed insurance for government funds, collateralization of funds and the need for Council to adopt an investment policy.

John Bodner led a discussion on the project management delivery method. He explained that the County mainly used the Design - Bid - Build process but sometimes has used the Construction Manager At Risk (CMAR) process for specialized projects. He noted the County has two project managers. He reviewed the advantages and disadvantages of the Design - Bid - Build process. He provided Council with an update of the County's completed projects, active projects, and future projects. Council and staff discussed the Detention Center project.

DRAFT

Adjournment

Billy Mosteller moved to adjourn the meeting. Seconded by Brian Carnes. The motion to adjourn the Budget Workshop Passed 4-0.; Absent: Graham, Luis, McGriff.

There being no further business, the Budget Workshop adjourned at approximately 2:37 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: N/A

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

Department: County Clerk

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Approve or amend the minutes from the April 24, 2023, County Council regular meeting.

Points to Consider:

The draft minutes from the April 24, 2023, County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:

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

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 4-24-2023 County Council Regular Meeting	5/4/2023	Backup Material

Council Members

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

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

April 24, 2023

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

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

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; John Bodner, Assistant County Administrator; Sherrie Simpson, Clerk to Council; Allison Hardin, Interim Planning Director; Sheriff Barry Faile; Lisa Robinson, Human Resources Director; Ryan Whitaker, Risk Management Director; Brenda Thompson, Communications & Marketing Director; Natalie Bowers, Communications & Social Media Specialist; Kayla Vaughn, Public Relations, Media Relations & Marketing Specialist; the press; various employees and citizens.

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

Call to Order Regular Meeting - Chairman Steve Harper

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

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance led by Noah Carnes, grandson of Brian Carnes, and Invocation led by Council Member Brian Carnes

Noah Carnes, grandson of Brian Carnes, led the Pledge of Allegiance to the American Flag and Councilmember Brian Carnes delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Allen Blackmon. Motion to approve the agenda Passed 7-0.

Citizens Comments

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

1. Melvin Threatt, Indian Land, SC, spoke regarding uncontrolled growth in Indian Land and requested a one year moratorium on residential and multi-family developments, but not commercial development.
2. Kevin Garon, Indian Land, SC, spoke regarding uncontrolled growth in Indian Land and that the land has been clear-cut with no trees left, along with roads that have been torn apart.
3. Clare McConaughay, Indian Land, SC, spoke in support of Sheriff Faile's 2023-2024 budget requests and submitted signatures of 139 citizens who also support Sheriff Faile's budget requests. Those signatures are attached as Schedule A to the written minutes in the Clerk to Council's office.

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

Special Presentations

Dennis Marstall stated the County was continuing to recognize County employees throughout the month of April for National County Government Month. He proceeded with the recognition of Lieutenant Aaron Carroll from the Lancaster County Sheriff's Office for being chosen by the Lancaster County Chamber of Commerce as a Top 12 under 40 and presented him with the Chamber award.

Dennis Marstall stated that County employees were being recognized for their outstanding job performance this month as well by being nominated for RISE awards. The following employees were nominated for RISE awards for the following categories: S for Service, which was presented to Patricia Rutlege in the Tax Assessor's Office. He continued that over the past several years, Patricia has volunteered one day a week during her lunch hour to provide assistance to the First Steps Program in Lancaster. Mr. Marstall then recognized E for Engagement, which was presented to Jen Rodriguez with the Sheriff's Office, for proactively seeking opportunities to use his Spanish speaking skills to connect our officers with our Hispanic community.

Dennis Marstall recognized the previous Employee of the Quarter winners and then he announced the Lancaster County 2022 Employee of the Year as Gillis Robinson with Lancaster County Fire Rescue. He stated that Gillis Robinson responded on the evening of August 13, 2022 to 40 Acre Rock Park for a child stuck in a cave. He stated Gillis and the rescue crews were able to establish a plan and Gillis entered the cave and was able to rescue the child.

Van Henson, CPM, Director of Risk Management Services, South Carolina Association of Counties, recognized that Lancaster County was awarded the 2022 Outstanding Safety Achievement Award; the 2022 Sustained Excellence in Risk Management Award and was second runner up in the South Carolina Workers' Compensation Trust Lag Time Award at the South Carolina Counties Workers' Compensation Trust Annual Membership Meeting. Mr. Henson presented the awards to Ryan Whitaker, Risk Management Director.

Dennis Marstall stated Lancaster County, in conjunction with the Lancaster County School District, sponsored an art contest for elementary age school students and an essay contest for elementary, middle and high school age students that was titled, "Lancaster County RISE." He stated we asked elementary school students what they liked best about living in Lancaster. He stated for the middle and high school students, we asked them to write essays, choosing one of the words from RISE (Resiliency, Inclusion, Solvency, Empowerment) and tell us how they have seen this represented in Lancaster County. The student who was the overall winner in each category came forward and read their essay and received their award.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.** , **7b.** , **7c.** , **7d.** , [which are the same as Item **a.** , **b.** , **c.** , and **d.** listed below]. Seconded by Charlene McGriff.

Motion to Approve Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

- a. Approval of Minutes from the March 29, 2023 Departmental Presentations and Budget Workshop Meeting
- b. Approval of Minutes from the April 5, 2023 Strategic Plan Special Meeting
- c. Approval of Minutes from the April 11, 2023 County Council Regular Meeting
- d. Approval of Minutes from the April 12, 2023 Departmental Presentations and Budget Workshop Meeting

Non-Consent Agenda

Resolution 1235-R2023 regarding Authorizing American Rescue Plan Act (ARPA) Funding for EMS Headquarters Bay Construction

Resolution Title: A Resolution Authorizing An Amendment To American Rescue Plan Act (ARPA) Funding For EMS Headquarters Bay Construction.

Brian Carnes moved to approve Resolution 1235-R2023. Seconded by Charlene McGriff.

Dennis Marstall stated that Council authorized \$400,000 in American Rescue Plan Act (ARPA) funds to construct a building with two ambulance bays to house a training and spare ambulance at EMS headquarters. He stated that Council also authorized the purchase of a mass transport bus for EMS with ARPA funding. He continued that based on the dimensions of the mass transport bus, the scope of this project was changed to also house the mass transit bus and to add a "lean to" to provide cover and protection for EMS trailers also. He stated the lowest bid was \$455,229. He stated that staff would evaluate what costs may be adjusted down from the bid to help get the cost closer to the original \$400,000, but that he would like to have authorization for the lowest bid amount of \$455,229 to keep the project moving forward.

Motion to approve Resolution 1235-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

2nd Reading of Ordinance 2023-1843 Regarding Amending the Unified Development Ordinance for Building Height Requirements (Applicant Lancaster County Water And Sewer District)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.4, Building Heights, To Exempt Lancaster County Water & Sewer District (LCW&SD) Water Tank Towers From Height Regulations And Alter Setback Requirements For The Towers On The Effective Date Of This Ordinance - *Planning Case Number: UDO-TA-2023-0188.*

Charlene McGriff moved to approve 2nd Reading of Ordinance 2023-1843. Seconded by Billy Mosteller.

Allison Hardin reviewed the County power point presentation and stated nothing has changed since the first

reading of the ordinance. Council and staff discussed acceptable setbacks for the water tanks with Mr. Kirby from Lancaster County Water and Sewer District.

Allen Blackmon amended the motion that the setback would be whatever the zoning designation requires but at least a minimum of 25 feet. Seconded by Charlene McGriff. The amendment passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None

The motion to approve 2nd Reading of Ordinance 2023-1843 as amended Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Public Hearing and 2nd Reading of Ordinance 2023-1844 regarding Approval of an Easement for Duke Power

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located At 1140 Elliott Street Bearing Tax Parcel Number 0082D-0K-020.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance.

Dennis Marstall stated there have been no changes since the last meeting.

Steve Harper opened the Public Hearing for Ordinance 2023-1844 at approximately 6:56 p.m.

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

There were approximately 11 citizens in attendance during the Public Hearing for this Ordinance.

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

Steve Harper closed the Public Hearing at approximately 6:56 p.m.

Sherrie Simpson explained that the Affidavit of Public Hearing was not attached to the agenda packet so she provided a handout to each Councilmember. That handout is attached as Schedule B, which is attached to the written minutes in the Clerk to Council's office.

Jose Luis moved to approve 2nd Reading of Ordinance 2023-1844. Seconded by Charlene McGriff. Allen Blackmon stated he was opposed because the easement needed to be more specific.

The 2nd Reading of Ordinance 2023-1844 Passed 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: Blackmon.

Discussion and Action Items

Steve Harper stated that Council would approve these appointments individually.

Charlene McGriff moved to approve Marshall Walker, Jr. to the Airport Advisory Board. Seconded by Allen Blackmon. Motion to approve Passed 7-0. Mr. Walker will fill an unexpired term that would end on 6/30/2025.

Terry Graham moved to approve Joie Bier to the Airport Advisory Board. Seconded by Brian Carnes. Motion to approve Passed 7-0. Ms. Bier will fill an unexpired term that would end on 6/30/2023 and fill a four year term that would expire on 6/30/2027.

Brian Carnes moved to approve William R. Crothers to the Airport Advisory Board. Seconded by Jose Luis. There was discussion on this appointment. Billy Mosteller and Charlene McGriff stated they have received numerous calls from pilots and other board members opposing this member being appointed and they were not comfortable with supporting the appointment. Brian Carnes stated he had met with Mr. Crothers and he has a vision for the Airport that probably stretches people. He stated Mr. Crothers had been very professional and has expressed some great ideas that would help make a great Airport. Allen Blackmon stated that our Advisory Boards were not utilized to their full potential. He also requested a copy of the lease contract for Mr. Crothers

hangar. Brian Carnes called for a vote.

Charlene McGriff moved to postpone this appointment to the May 8th meeting to allow time to review contract to make sure there was no conflict of interest. Seconded by Billy Mosteller. The Motion Failed 2-5. Ayes: McGriff, Mosteller; Nays: Blackmon, Carnes, Graham, Harper, Luis.

The motion to approve William Crothers' appointment Passed 5-2. Mr. Crothers will fill an unexpired term that would end on 6/30/2025. Ayes: Blackmon, Carnes, Graham, Harper, Luis; Nays: McGriff, Mosteller.

Terry Graham moved to approve Revery Johnson to the Library Board. Seconded by Charlene McGriff. Motion to approve Passed 7-0. Mr. Johnson will fill an unexpired term that would end on 6/30/2023 and fill a four year term that would expire on 6/30/2027.

Status of items tabled, recommitted, deferred or held

- a. POSTPONED UNTIL THE 5/22/2023 COUNCIL MEETING PER APPLICANT'S REQUEST- Public Hearing and 3rd Reading of Ordinance 2023-1842 regarding Authorization of a Special Source Revenue Credit Agreement with Project Spider
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And [An Entity Previously Identified By The County As Project Spider], Including Any Related Or Affiliated Entities, Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - *Passed 6-0 at the March 27, 2023 County Council Meeting (Charlene McGriff Absent). Passed 7-0 at the April 11, 2023 County Council Meeting. - Brian Fulk*
- b. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 2nd Reading of Ordinance 2022-1831 regarding Rezoning Property Located at 4263 Doby's Bridge Road, Indian Land, SC, from Low Density Residential District (LDR) to Institutional District (INS) to Allow Development of a Daycare Facility
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.84 Acres (TM# 0013-00-024.00) Located At 4263 Doby's Bridge Road, Indian Land, From Low Density Residential (LDR) District To Institutional (INS) District. - *Planning Department Case Number: RZ-2022-1759. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Public Hearing held at the November 14, 2022 County Council Meeting but 1st Reading deferred until the January 9, 2023 County Council Meeting. Passed 5-2 at the January 9, 2023 County Council Meeting (Opposed Jose Luis and Billy Mosteller). 2nd Reading Postponed until the June 12, 2023 County Council Meeting by a vote of 6-1 (Opposed Jose Luis). - Allison Hardin*
- c. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights
Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures. - *Postponed to June 12, 2023 at the April 11, 2023 County Council Meeting. - Chris Clouden*

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

Miscellaneous Reports and Correspondence

There were no Miscellaneous Reports and Correspondence discussed during the Council meeting.

Executive Session

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition.
2. Receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation.

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None. At approximately 7:09 p.m., Council went into Executive Session to discuss the two (2) items listed above.

Terry Graham recused himself from one Executive Session item for legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition. Terry Graham's Statement of Recusal form is attached as Schedule C to the written minutes in the Clerk to Council's office.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:00 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Jose Luis. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Items Requiring a Vote Following Executive Session

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed two (2) items: receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition; receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation. She stated no decisions were made in Executive Session and no votes were taken.

Adjournment

Jose Luis moved to adjourn. Seconded by Brian Carnes. Motion Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 8:01 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1239-R2023
Contact Person / Sponsor: Dennis Marstall / Administration
Department: Attorney
Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Whether or not to approve a South Carolina Rural Infrastructure Authority (RIA) grant award for 18 road drainage improvements.

Points to Consider:

Lancaster County has received a grant award in the amount of \$8,169,699. This grant award is a State award from the South Carolina Rural Infrastructure Authority (RIA) for 18 road drainage improvements, that was provided from ARPA federal COVID funds.

The grant requires a 25% local grant match.

The Project period is from April 24, 2023 - June 1, 2026.

Funding and Liability Factors:

The total project costs are \$10,892,932.85. The grant award is \$8,169,699.65 and the match required will be \$2,723,322.21.

Four of the projects are in the Stormwater service area (Ander Vincent, Millstone Branch, Pursuit Lane, and Smith Road) and \$399,168.63 will come from the Stormwater Fund.

The remaining local match of \$2,324,064.58 will come partially from CTC funding, but primarily general fund fund balance over the next two years and be included in the grant match fund line item.

Recommendation:

Staff recommends approval of the grant match.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1239-R2023	5/4/2023	Resolution
List of SCIIP Grant Funded Projects	5/4/2023	Backup Material
RIA Grant Award Letter	5/3/2023	Letter
RIA Grant Agreement	5/3/2023	Agreement

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1239-R2023

A RESOLUTION

TO DIRECT COUNTY STAFF TO TAKE APPROPRIATE ACTION TO MOVE FORWARD WITH THE ROAD DRAINAGE IMPROVEMENTS GRANT MATCH AWARD, TO EXECUTE SUCH OTHER DOCUMENTS AS MAY BE NECESSARY AND CONVENIENT, AND TO TAKE ANY OTHER ACTION AS MAY BE NEEDED TO CARRY INTO EFFECT THIS RESOLUTION.

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

Section 1. Designation of Funds.

Council authorizes and approves the County Administrator and Chief Financial Officer to spend an amount not to exceed \$2,723,322.21 as the required grant match for South Carolina Infrastructure Investment Program (SCIIP) drainage improvement projects. The total project cost is \$10,892,932.85 and the grant award is for \$8,169,699.65 with the local match being \$2,723,322.21. The grant provides for the road drainage improvements at:

Ander Vincent Road (above Hwy 5)

Banner Road

Greystone Road

Pursuit Lane (above Hwy 5)

Foxdale Court

Old Farm Road

Millstone Branch Road (above)

Lakeside Circle

Battlement Road

Hough Road

Deer Track Circle

Burke Duncan Road
Carnes Wilson Road
Smith Road (above Hwy 5)
Daystar Road
Bayou Lane
Activity Road
Thermal Trail.

Section 2. Authority to Act.

The County Administrator, County Chief Financial Officer and any other appropriate County official are each authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this resolution.

Section 3. Conflicting Provisions.

To the extent this resolution contains provisions that conflict with provisions contained elsewhere in other Lancaster County resolutions, policies, procedures and actions, the provisions contained in this resolution supersede all other provisions and this resolution is controlling.

Section 4. Severability.

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

Section 5. Effective Date.

This resolution is effective upon its adoption.

AND IT IS SO RESOLVED

by County Council this _____ day of May, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

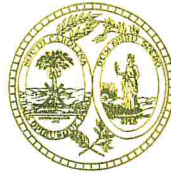
Approved as to form:

Virginia “Ginny” Merck-Dupont, County Attorney

SCIIP Grant Funded Projects

Location	Lancaster County Match	SC RIA SCIIP Grant request	TOTAL PROJECT COSTS
Ander Vincent Road	\$115,212.84	\$345,638.52	\$460,851.36
Banner Road	\$245,614.69	\$736,844.06	\$982,458.74
Greystone Road	\$167,045.60	\$501,136.80	\$668,182.40
Pursuit Lane	\$105,455.96	\$316,367.88	\$421,823.84
Foxdale Court	\$178,177.37	\$534,532.10	\$712,709.47
Old Farm Road	\$221,503.45	\$664,510.34	\$886,013.79
Millstone Branch Road	\$131,474.42	\$394,423.25	\$525,897.67
Lakeside Circle	\$56,857.76	\$170,573.28	\$227,431.04
Battlement Road	\$262,894.38	\$788,683.13	\$1,051,577.51
Hough Road	\$251,185.39	\$753,556.17	\$1,004,741.56
Deer Track Circle	\$229,513.71	\$688,541.12	\$918,054.82
Burke Duncan Road	\$161,769.82	\$485,309.47	\$647,079.29
Carnes Wilson Road	\$152,371.71	\$457,115.13	\$609,486.84
Smith Road	\$47,024.41	\$141,073.22	\$188,097.62
Daystar Road	\$157,421.72	\$472,265.16	\$629,686.88
Bayou Lane	\$122,222.94	\$366,668.81	\$488,891.75
Activity Road	\$58,915.27	\$176,745.81	\$235,661.08
Thermal Trail	\$58,571.80	\$175,715.39	\$234,287.19
Totals	\$2,723,233.21	\$8,169,699.64	\$10,892,932.85

Harry M. Lightsey III
Chairman



Bonnie Ammons
Executive Director

South Carolina
Rural Infrastructure Authority

April 27, 2023

Mr. Dennis Marstall
County Administrator
Lancaster County
Post Office Box 1809
Lancaster, South Carolina 29721

RE: A-23-C114: Multiple Road Drainage Improvements

Dear Mr. Marstall:

Congratulations on your successful application for funding from the South Carolina Infrastructure Investment Program (SCIIP). This federally funded grant is administered by the South Carolina Rural Infrastructure Authority (RIA) using State and Local Fiscal Recovery Funds received through the American Rescue Plan Act.

In order to accept the Community Impact grant, it is necessary that an official with legal authority to execute such contracts sign the two enclosed originals of the grant award (Signature Page of the Grant Award Agreement) and return one of these originals to this office within 45 days from the date of award.

Acceptance of the grant requires that you comply with all of the terms and conditions as outlined in the Grant Agreement attached herein. For all activities funded in whole or in part by SCIIP, it will be necessary to follow procurement procedures that are consistent with the Uniform Administrative Requirements (2 CFR Part 200) for federal projects and to submit contractual agreements to the RIA prior to execution. SCIIP funds will not be disbursed until a *Notice to Proceed* has been issued by RIA and all contracts have been reviewed by our office.

You will be required to submit a progress report on the first day of each calendar quarter. The first reporting date for this grant is October 1, 2023. Timely submission of reports will ensure federal reporting requirements are met as well as allow for the processing of requests for payments from your grant award. Please include the assigned grant number(s) on all reports, requests for payment and correspondence. *SCIIP Project Management Procedures* and forms, which must be used in the administration of the grant, are also located on our website at www.ria.sc.gov. Please take time to review these procedures carefully.

We are available to assist you throughout the implementation of your project. If you have any questions or need assistance, please do not hesitate to contact your RIA Program Manager, Mikita Patel at 803-422-8264, or mpatel@ria.sc.gov.

Sincerely,

A handwritten signature in blue ink that reads "Bonnie Ammons".

Bonnie Ammons
Executive Director

cc: (via email): Scott Edgar, County Engineer, Lancaster County
Veronica Thompson, County Chief Financial Officer, Lancaster County

Grantee:	Lancaster County	Date of Award:	April 24, 2023
Grant Title:	Multiple Road Drainage Improvements	SCIIP Award Amount:	\$8,169,699
Grant Period:	April 24, 2023 – June 1, 2026	SCIIP Grant Number:	A-23-C114

The South Carolina Rural Infrastructure Authority ("RIA") hereby awards to the above-named Grantee, in the amount shown above, for the activities specified in the application which is incorporated by reference and for the purposes authorized. The acceptance of this award creates a contract between RIA and the Grantee legally binding the Grantee to carry out the activities set forth in the approved grant application in accordance with the terms and conditions of the Grant Agreement for which this is the signature page. Please note that the grant is also subject to the **Special Conditions** which are attached to and made a part of this Grant Award.

This contract shall become effective, as of the date of award, upon return of one copy of this grant award which has been signed in the space provided below. The copy must have original signatures and must be returned within forty-five (45) days from the date of award.


Bonnie Ammons, Executive Director
SC Rural Infrastructure Authority

Acceptance for the Grantee:

Signature of Executive Official (with authority to execute contract)

Date

Name and Title of Chief Executive Official

Attest:

Signature of Authorized Official

Title of Authorized Official

Grantee:	Lancaster County	Date of Award:	April 24, 2023
Grant Title:	Multiple Road Drainage Improvements	SCIIP Award Amount:	\$8,169,699
Grant Period:	April 24, 2023 – June 1, 2026	SCIIP Grant Number:	A-23-C114

Special Conditions

1. If any SCIIP funds will be used to pay for engineering services, grantee must submit the proposed procurement documents for those services for RIA review before advertising.
2. Grantee must provide certification of public ownership for all easements/ROW prior to bidding the project.
3. Grantee (or its designated representative) must attend the planned SCIIP Implementation Workshop. More information will be provided as soon as it is available.
4. Grantee is required to participate in a start-up technical assistance meeting with RIA staff.
5. Grantee must comply with the SCIIP Project Management Procedures.

Grantee:	Lancaster County	Date of Award:	April 24, 2023
Grant Title:	Multiple Road Drainage Improvements	SCIIP Award Amount:	\$8,169,699
Grant Period:	April 24, 2023 – June 1, 2026	SCIIP Grant Number:	A-23-C114

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Bonnie Ammons, Executive Director
SC Rural Infrastructure Authority

Acceptance for the Grantee:

Signature of Executive Official (with authority to execute contract)

Date

Name and Title of Chief Executive Official

Attest:

Signature of Authorized Official

Title of Authorized Official

Grantee:	Lancaster County	Date of Award:	April 24, 2023
Grant Title:	Multiple Road Drainage Improvements	SCIIP Award Amount:	\$8,169,699
Grant Period:	April 24, 2023 – June 1, 2026	SCIIP Grant Number:	A-23-C114

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4. Grantee is required to participate in a start-up technical assistance meeting with RIA staff.
5. Grantee must comply with the SCIIP Project Management Procedures.



South Carolina
Rural Infrastructure Authority

GRANT AGREEMENT

Grantee: Lancaster County (Grant #A-23-C114)

In accordance with the provisions of the South Carolina Rural Infrastructure Act, Section 11-50-10, et seq., of the Code of Laws of South Carolina, 1976, as amended (the "Code"), Act 244 of 2022, and the Intergovernmental Agreement for the State and Local Fiscal Recovery Funds (SLFRF) from the American Rescue Plan Act (ARPA) in the State of South Carolina between the South Carolina Department of Administration, Executive Budget Office (EBO) and the South Carolina Rural Infrastructure Authority (the "Authority"), the Authority has established the South Carolina Infrastructure Investment Program (SCIIP) and does commit to the Grantee, a grant as set forth in the Grant Award which is attached hereto and made a part of this Grant Agreement (the "Agreement"). Acceptance of the Agreement creates a contract between the Authority and the Grantee, legally binding the Grantee to carry out the activities and obligations set forth in the approved Grant Application, including any attachments or other submissions made, or to be made thereto, and this Agreement. Such activities and obligations shall be carried out in accordance with applicable state and federal laws, rules and regulations, the terms and conditions set forth in this Agreement, SCIIP requirements and project management procedures, as well as any other documents or conditions referred to herein and as may be revised or updated from time to time.

The Grant Award serves as the signature page for this Agreement. The Grant Award must be executed and returned to the Authority within 45 days of the Award Date.

Section 1: DEFINITIONS.

- (a) Agreement means the Grant Award and Grant Agreement, including the Supplemental Terms and Conditions and Federal Award Identification attached to the Grant Agreement as **Exhibits A and B**.
- (b) Application means the Grant application forms submitted by the Grantee and approved by the Authority.
- (c) Grant Award means the form setting forth the amount of funds awarded to the Grantee and serving as the signature page to this Agreement.
- (d) Award Date means the date on which the Grant is awarded by the Authority.
- (e) Grant Period means the time period reflected in the Grant Award during which the Grant will be implemented.

- (f) Contractor means a third-party contractor who undertakes all or part of the Project.
- (g) Authority means the South Carolina Rural Infrastructure Authority.
- (h) Grant means the dollars committed by the Authority to the Grantee for the Project identified in the Application and set forth in the Grant Award.
- (i) Grantee means the unit of government or other eligible entity such as a special purpose service district, public works commission, or joint municipal organization designated for the Grant and set forth in the Grant Award.
- (j) Project means the project identified and described in the Application.
- (k) State means the State of South Carolina and any agencies or offices thereof.
- (l) Subrecipient means a governmental or not-for-profit water and/or sewer organization authorized to carry out any portion of the Project under a written agreement with the Grantee that has been approved in advance by the Authority.

Section 2: SCIIP REQUIREMENTS AND PROJECT MANAGEMENT PROCEDURES. The Grantee must comply with the requirements of ARPA as well as all federal rules and regulations, including the terms of 2 C.F.R. Part 200 and all rules published to date and that may be published in the future by the United States Treasury related to the SLFRF and ARPA, and any applicable State rules and regulations, including the terms of Act 244 and any project management procedures provided by the Authority. The Grantee must also comply with the terms of this Agreement, as supplemented by Exhibit A and by this reference made a part hereof.

Section 3: SCOPE OF WORK. The Grant shall be used only for specified activities approved in the Application, which is incorporated by reference and made a part of this Agreement, unless otherwise approved in writing by the Authority.

Section 4: AWARD. The Authority has legal authorization under the Code to award grants for qualified projects and to enter into agreements. Accordingly, the Authority hereby commits the Grant to be used only for the Project and related costs, as described in the Application.

The Grantee must obtain from the Authority a written notice to proceed prior to incurring costs against the Grant. Otherwise, any expenditure made prior to the date of the written notice to proceed is made by the Grantee at its own risk and expense and is not eligible for payment from Grant funds. Any pre-award expenses must have been incurred on or after March 3, 2021 and should be identified in the Application. The Authority must review any pre-award expenses and confirm compliance with State and federal requirements before approving reimbursement. The Grantee acknowledges that all SLFRF funds in the SCIIP must be expended by the Authority on or before December 31, 2026 and that Grantee must seek payment for approved pre-award costs and other eligible expenditures during the Grant Period.

Section 5: PAYMENT. The Grantee must submit to the Authority during the Grant Period a certified request for payment for eligible expenses that are documented by the Grantee.

The Grantee will certify, to the best of its knowledge, information and belief that the work on the Project, for which payment from Grant funds is requested, has been completed in accordance with the terms and conditions of this Agreement.

All requests for payment must be made on forms approved by the Authority. Such requests shall be certified as valid expenses by an official representative of the Grantee. Invoices or other documentation reflecting eligible expenses, that the Authority may reasonably require, must be submitted with the request for payment. The Authority may make, and the Grantee shall accept, full or partial disbursements for actual, eligible expenses incurred not to exceed the amount of the Grant.

Section 6: FINANCIAL MANAGEMENT. The Grantee must maintain a financial management system using generally accepted accounting principles utilizing appropriate internal controls to provide adequate accountability for the Grant in accordance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements (also referred to as Uniform Guidance) found in 2 C.F.R. Part 200. The Grantee's records must account for Grant funds separately and disclose accurate information about the Grant Award, obligations, unobligated balances, assets, liabilities, expenditures, and income.

Section 7: AUDIT REQUIREMENTS. The Grantee must include an examination and accounting of the expenditures of Grant funds in its first annual audit following the completion of the Project. The Grantee must notify the Authority of any audit findings related to the Grant funds or general grant management and make available a copy of the audit report to the Authority. The Grantee agrees that it will reimburse the Authority for unauthorized and unwarranted expenditures disclosed in the audit, if so directed by the Authority. Upon request of the Authority, the Grantee shall make available, and cause any Contractor to make available, for audit and inspection by the Authority and its representatives all the books, records, files and other documents relating to any matters pertaining to the Project, the Application or this Agreement. If the Grantee expends \$750,000 or more in federal awards during the Grantee's fiscal year, the audit of Grant funds received under this Agreement must be conducted in accordance with 2 C.F.R. Part 200, Subpart F – Audit Requirements. If the Grantee expends less than \$750,000 during the Grantee's fiscal year, the audit of Grant funds received under this Agreement must adhere to the following audit requirements, whichever is applicable:

- (a) Generally accepted auditing standards established by the American Institute of Certified Public Accountants (AICPA); or
- (b) The General Accounting Office (GAO) Standards for Audits of Governmental Organizations, Programs, Activities, and Functions, latest revised edition (Yellow Book).

Federal award identification for auditing purposes is located in **Exhibit B** attached hereto.

Section 8: GRANTEE CERTIFICATION. By signing this Agreement and accepting the Grant, the Grantee certifies that:

- (a) Grantee agrees to comply in all respects with:
 - a. All applicable United States Treasury rules, policies, procedures, and directives;
 - b. Uniform Guidance under 2 C.F.R. Part 200, including uniform administrative requirements, cost principles, and audit requirements; and

- c. All reporting and compliance guidance published to date and that may be published in the future
- (b) Grantee uses an effective internal control system;
- (c) Grantee will provide for matching funds as set forth in the Application, or any amendments appended hereto, and such matching contribution, if required, shall not include federal non-SLFRF funds, unless otherwise approved by the federal agency; and
- (d) Neither the Grantee nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department, the Authority or any local government department or agency. The Grantee further agrees that it will immediately notify the Authority if during the term of this Agreement it or any of its principals become subject to debarment, suspension or ineligibility from participating in transactions by the federal government, the Authority or local government department or agency.

Section 9: PROCUREMENT: All purchases of goods and services made with Grant funds shall be procured in compliance with the requirements set forth in 2 C.F.R. Part 200.317-27.

Upon request, the Grantee must make available to the Grantee's auditor, the Authority (or other State Agency) and/or the United States Treasury documentation of the procurement process used in connection with expenditure of Grant funds. If the Grantee fails to adhere to procurement procedures required by law, the Authority may require repayment by the Grantee of Grant funds that were expended in a disallowable manner or the Grantee may be subject to other sanctions as identified herein.

Section 10: NON-DISCRIMINATION. The Grantee agrees to comply with the federal nondiscrimination requirements in 2 C.F.R. Part 200.321 and as set forth in **Exhibit A**, Section 5 and shall require that its Subrecipients and Contractors with these same requirements.

Section 11: THIRD PARTY CONTRACTS OR AGREEMENTS. The Grantee shall remain fully obligated under the provisions of the Agreement notwithstanding the Grantee's designation of, or contract with, any third party or parties for the undertaking of all or any part of this Agreement. The Grantee warrants that it will enforce all applicable terms and conditions of this Agreement upon any third parties or Contractors.

All of the services required to complete the Project will be performed by the Grantee or a Subrecipient, and/or a Contractor, under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local laws to perform such services. The Grantee may not award contracts to any Contractors who are ineligible to receive contracts under any applicable laws or regulations of the State or federal government.

The Grantee must submit all proposed agreements with Subrecipients or Contractors engaged to perform work within the scope of the Grant to the Authority prior to executing those agreements. All change orders or contract amendments must be submitted in writing and in advance to the Authority.

Any disputes arising out of a contract funded in whole or in part with the Grant are the responsibility of the Grantee and should be resolved in a timely manner in accordance with applicable law.

Section 12: PERSONNEL. The Grantee agrees that it has the necessary personnel, or will hire the necessary personnel, to carry out the activities described in the Application and this Agreement. All personnel shall be fully qualified and authorized to carry out such activities under applicable law.

Section 13: PERMITS. The Grantee shall obtain all necessary federal, state and/or local permits required for the construction and/or operation of the Project. Construction permits are to be obtained prior to executing construction contracts.

Section 14: SIGNS. Any signs installed at the Project site must be pre-approved by the Authority and must acknowledge funding by the Authority.

Section 15: PROJECT START-UP. The Project must be substantially underway within a reasonable period of time, as determined by the Authority in its sole discretion, in order to meet federal expenditure guidelines applicable to SLFRF funds. If the Grantee does not begin the Project within a reasonable period as determined by the Authority, the Authority reserves the right to rescind the Grant, require the repayment of any Grant funds provided to Grantee, and terminate this Agreement.

Section 16: AMENDMENTS. Any changes in the approved scope of work of the Project must be submitted in advance and in writing by the Grantee to the Authority and must clearly identify the need for the change. Amendments must be requested by the Chief Executive Official of the Grantee. The Authority has no obligation to approve such a request. Any approved amendment granted by the Authority shall be appended to this Agreement as an amendment.

Section 17: BUDGET CHANGES. Any change in a budget line item (paid in whole or in part with Grant funds) which is greater than ten percent (10%) of any line item must be approved in writing by the Authority prior to any payment with Grant funds.

Section 18: FUNDING UNDERRUNS/OVERRUNS. In the event of cost underruns, the Grantee must consult with the Authority to determine in the Authority's sole discretion whether remaining Grant funds will be redirected to other eligible activities or returned to the Authority. The Grantee agrees that it will commit and provide monies from other non-SLFRF funds for cost overruns required to complete the Project, unless otherwise approved. This Agreement creates no obligation on the part of the Authority or the State to provide funds for cost overruns.

Section 19: PROJECT COMPLETION. The Grantee must take appropriate action to implement the Project in a timely manner. The Grantee must complete, or cause to be completed, the portion of the Project to be funded in whole or in part with Grant funds within the timeframe reflected in the Grant Award, unless otherwise approved. Completion is defined as submission by the Grantee to the Authority of the final report and documentation of Grant funds expended, accomplishments and other documentation that may be required by the Authority. The Authority will conduct such reviews as may be appropriate prior to issuing a notification in writing of the closure of the Grant. Any unexpended Grant funds at Project completion shall be returned to the Authority and/or de-obligated from the Grant prior to the closure of the Grant.

The Grantee may submit a written extension request to the Authority to include reasons for any delays, justification for the request, and a new schedule for completion that outlines the proposed major project milestones and timeline. The Authority may consider such requests and may, in its sole discretion, grant an extension of the Grant Period to complete the Project; provided, however, that the Authority definitively determines that all federal dollars shall be expended by December 31, 2026. The Authority may terminate the Grant if it cannot be completed in a timely manner and require that any portion of the Grant not disbursed to the Grantee be de-obligated and reverted back to the Authority for reallocation to other eligible projects at the discretion of the Authority, subject to any approvals required by Act 244.

Section 20: REPORTING REQUIREMENTS. The Grantee agrees to submit quarterly progress reports that provide a status update and identification of any significant issues affecting the Project. Progress reports will be in such form as required by the Authority and are due on the first day of the quarter after Grant Award. Quarters begin and quarterly reports are due on January 1, April 1, July 1 and October 1 each year. Failure to submit progress reports will make the Grantee subject to the sanctions identified herein. A final close out and accomplishments report must be submitted at Project completion. The Grantee further agrees to complete and submit any and all other reports, in such form and according to such schedule, to the extent not specified herein, as may be required by the United States Treasury as such reports relate to the SLFRF and ARPA.

Section 21: MAINTENANCE OF RECORDS. The Grantee shall retain records for property purchased totally or partially with Grant funds for a period of five years after its final disposition or until December 31, 2031, whichever is later. The Grantee shall maintain records relating to procurement matters for the period of time prescribed by applicable procurement laws, regulations and guidelines, but no less than five years. All other pertinent Grant and Project records including financial records, supporting invoices, receipts or other financial documentation, contracts, agreements, reports and other records shall be retained for a minimum of five years after notification in writing by the Authority of the closure of the Grant. However, if any litigation, claim, or audit is initiated before the expiration of any such period, then records must be retained for three years after the litigation, claim, or audit is resolved.

Section 22: MONITORING. The Grantee acknowledges that the Grant is subject to 2 C.F.R. Part 200.331 regarding monitoring and management and that Grantee must maintain all Project-related or Grant-related records for review by the Authority (or other State agency) and/or the United States Treasury as may be required to ensure timely completion of the Project and compliance with the terms and conditions of this Agreement, SCIP guidelines, or other State or federal requirements. Such records shall be made available for random audit and review by the Authority (or other State agency) and/or the United States Treasury, which shall have access to personnel of the Grantee for purposes of interview and discussion related to the records. Generally, the monitoring entity will provide at least 24-hour advance notice of any review to be completed during business hours. Deficiencies noted during the review must be fully cleared within 30 days of notification, unless otherwise specified and prior to close out of the Grant. Failure to comply with these requirements will constitute a violation of this Agreement and the Grantee will be subject to sanctions as specified herein.

Section 23: PERFORMANCE. The Grantee shall become fully acquainted with the conditions related to the scope of work and other conditions contained in this Agreement. The failure or omission of the Grantee to become acquainted with these conditions shall not relieve him of any obligation with respect to the Grant or this Agreement. By acceptance of this Grant, the Grantee warrants that it will

complete or cause to be completed the Project as described in the approved Application, including any approved amendments appended hereto. Should the Grantee fail to cause the completion of all or part of the Project, the Authority shall be entitled to reimbursement from the Grantee of any Grant funds that were received by the Grantee for any work that was not performed. The Grantee agrees that it is responsible for providing matching contributions as approved in the Application, or any amendments appended hereto, and failure to provide such contributions in the approved amount may result in a pro rata reduction in the Grant funds. If completion of the Project does not require the full amount of the Grant, and the timing of the completion does not allow for re-obligation of the funds, the Authority may further reduce the adjusted amount of the Grantee's matching contribution in an amount equivalent to the remaining Grant funds, subject to any approvals required by Act 244.

Section 24: SANCTIONS. If the Grantee fails or refuses at any time to comply with any of the terms and conditions of this Agreement, the Authority may take any or all of the following actions in addition to seeking any other relief that it is entitled to by law or in equity:

- delay payment of grant funds until all required documentation has been received and approved;
- require repayment of all or a portion of any Grant funds provided;
- cancel, terminate, or suspend, in whole or in part, the Grant and this Agreement; or
- other sanctions as deemed appropriate by the Authority.

Section 25: TERMINATION. The Authority may, upon written notification to the Grantee, terminate all or part of the Grant to be provided pursuant to this Agreement for cause or negligence by the Grantee. This Agreement may also be terminated, in whole or in part, with the mutual consent of the Authority and the Grantee, upon thirty (30) days written notification.

Section 26: RESPONSIBILITY FOR MAINTENANCE. Maintenance of facilities, structures, or other improvements paid for in whole or in part with Grant funds is the sole responsibility of the Grantee. Neither the Authority nor the State shall have any responsibility whatsoever to maintain such improvements relating to the Project. The Grantee may assign this responsibility to a third party.

Section 27: SOUTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT. The Grantee and any Contractors under its supervision are required to comply with the South Carolina Illegal Immigration Reform Act requiring verification of lawful presence in the United States of any alien 18 years of age or older who has applied for state or local public benefits, as defined in 8 U.S.C. Section 1621, or for federal public benefits, as defined in U.S.C. Section 1611.

Section 28: INTEREST OF CERTAIN FEDERAL OR STATE OFFICIALS. No elected or appointed State or federal official shall be allowed any share or part of this Agreement or to any benefit arising from the same.

Section 29: CONFLICT OF INTEREST. No member, officer or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the Project is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project or this Agreement. The Grantee shall maintain a conflict of interest policy in compliance with federal requirements as set forth in **Exhibit A**, Section 4 and shall incorporate, or cause to be incorporated, in all of its contracts or subcontracts relating to the Project and this

Agreement this provision prohibiting such interest. The Grantee shall further comply with Section 8-13-100 et. seq. of the Code and generally avoid any action that might result in or create an appearance of conflict.

Section 30: PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION. The Grant funds provided under this Agreement shall not be used for the payment of any bonus or commission to a third party for the purpose of obtaining the Authority's approval of the Application or any other approval or concurrence of the Authority required under this Agreement.

Section 31: LOBBYING. The Grantee is prohibited from using Grant funds for the purpose of lobbying the members of the United States Congress or Senate or the South Carolina General Assembly or any federal or State agency, including the restrictions on lobbying set forth in 31 CFR Part 21.

Section 32: POLITICAL ACTIVITY. None of the Grant funds or materials, property or services provided directly or indirectly under this Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office or otherwise in violation of the provisions of Section 8-13-765 of the Code.

Section 33: LEGAL SERVICES. No attorney-at-law shall be engaged through the use of any Grant funds provided under this Agreement in any legal action or proceeding against the State, the Grantee, any local public body or any political subdivision.

Section 34: APPLICABLE LAW. This Agreement is made under and shall be construed in accordance with the laws of the State of South Carolina, without regard to conflicts of laws principles. The federal and/or state courts within the State of South Carolina shall have exclusive jurisdiction to adjudicate any disputes arising out of or in connection with this Agreement.

Section 35: NOTICES. All notices required or otherwise provided under this Agreement shall be deemed made upon mailing by first class mail, postage prepaid, and addressed to the other party as follows:

Notices to the Authority shall be sent to:

Ms. Bonnie Ammons
Executive Director
South Carolina Rural Infrastructure Authority
1201 Main Street, Suite 1600
Columbia, SC 29201

Notices to Grantee shall be sent to:

Mr. Dennis Marstall
County Administrator
Lancaster County
Post Office Box 1809
Lancaster, South Carolina 29721

Section 36: APPROPRIATIONS. Notwithstanding any other provisions of this Agreement, the parties hereto agree that the Grant funds awarded hereunder are dependent upon the continued availability of appropriated funds and expenditure authority from the South Carolina General Assembly for this purpose. In the event sufficient appropriations, grants, and monies are not made available to the Authority to pay the compensation and expenses hereunder for any fiscal year, this Agreement shall terminate without further obligation of the Authority. In such event, the Authority shall certify to the Grantee the fact that sufficient funds have not been made available to the Authority to meet the obligations of this Agreement; and such written certification shall be conclusive upon the parties.

Section 37: CONFIDENTIAL INFORMATION. Any reports, information, data, or other documentation given to or prepared or assembled by the Grantee under this Agreement which the Authority requests to be kept confidential shall not be made available to any individual or organization by the Grantee without the prior written approval of the Authority; provided, however, that should Grantee be required by law, court order or some other form of compulsory process to disclose such information, the Grantee will give the Authority timely notice of such request prior to disclosure of the information.

Section 38: FREEDOM OF INFORMATION. The Grantee acknowledges and agrees that this Agreement and certain other information related to the Grant Award are or may be subject to public disclosure pursuant to the South Carolina Freedom of Information (FOI) Act and that the Grantee and the Authority are required to comply with the provisions of the FOI Act.

Section 39: COPYRIGHT. No material produced in whole or in part under this Grant shall be subject to copyright in the United States or in any other country. The Authority shall have the unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

Section 40: LIABILITY. The Grantee understands that the Authority accepts no liability for the Project or any responsibility other than its agreement to provide the Grantee the Grant funds for the Project in the amount of the Grant, insofar as such funds are expended in accordance with the terms and conditions of this Agreement. During the Grant Period, the Grantee shall maintain tort liability insurance or shall have a self-funded and excess liability program with coverage amounts sufficient to meet the limits set forth under the SC Torts Claims Act in Section 15-78-120, as may be amended.

Section 41: TERMS AND CONDITIONS. The Authority reserves the right to add or delete terms and conditions of this Agreement as may be required by revisions and additions to changes in the requirements, regulations, and laws governing the Authority and any other agency of the State.

Section 42: SEVERABILITY. If any provision of this Agreement is or becomes illegal, invalid, or unenforceable in any respect, the legality, validity, and enforceability of the other provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 43: ASSIGNABILITY: The Grantee shall not assign or transfer any interest in this Agreement without the prior written consent of the Authority.



EXHIBIT A

SUPPLEMENTAL TERMS AND CONDITIONS

1. Use of Funds.

- a. Grantee understands and agrees that the funds disbursed under this award may only be used in compliance with section 602(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- b. Grantee will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
- c. Any purchase of equipment or real property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using SLFRF funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

2. Maintenance of and Access to Records

- a. Grantee shall maintain records and financial documents sufficient to evidence compliance with section 602(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Grantee in order to conduct audits or other investigations.

3. Pre-award Costs. Except for pre-award costs expressly outlined in the Agreement and authorized by the Authority, pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.



4. Conflicts of Interest. Grantee understands and agrees it must maintain a conflict-of-interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict-of-interest policy is applicable to each activity funded under this award. Grantees must disclose in writing to Treasury or the Authority, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.
5. Compliance with Applicable Law and Regulations.
 - a. Grantee agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Grantee also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Grantee shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
 - b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170 pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Government wide Debarment and Suspension (Non-procurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.



- v. Grantee Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Government wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. All contracts made by Grantee in excess of \$100,000 with respect to a water and sewer infrastructure project that involves employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).
- c. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity.) Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and



- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by RIA and local governments or instrumentalities or agencies thereto.

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1236-R2023 / Planning Case Number: CU-2022-2541

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Application by YDG Doby's Bridge Land LLC for a Conditional Use permit for a .64 acre site at intersection of Charlotte Highway 521 and Doby's Bridge Road (TM # 0013-00-018.11), to allow development of a drive-through oil-change facility. (a/k/a Valvoline).

Points to Consider:

Access to this site must be located through the recently approved Conditional Use Plan for the Tidal Wave Auto Spa. This is due to internal access being required in the Highway Corridor Overlay District. Access is being shown both on the approved Tidal Wave plans and the proposed Valvoline plans. An egress/deed is in the process of being worked on between the two parties.

Funding and Liability Factors:

N/A

Recommendation:

Planning Commission voted a unanimous recommendation for approval during their April 2023 Meeting.

Staff stated that the proposed site does meet the requirements for the Conditional Use Permit as long as access for the site is achieved via the Tidal Wave Auto Spa.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1236-R2023	5/1/2023	Resolution
Staff Report	4/11/2023	Exhibit
Application	3/21/2023	Exhibit
Site Plan	3/21/2023	Exhibit
TIA	3/21/2023	Exhibit
Location Map	4/12/2023	Exhibit
Public Hearing Notice for Resolution 1236-R2023 (Planning Department Case Number: CU-2022-2541)	4/21/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA

)

RESOLUTION NO. 1236-R2023

COUNTY OF LANCASTER

)

)

A RESOLUTION

TO APPROVE THE FAVORABLE RECOMMENDATION OF BOTH THE LANCASTER COUNTY PLANNING STAFF AND THE LANCASTER COUNTY PLANNING COMMISSION OF A CONDITIONAL USE APPLICATION TO PERMIT A MINOR MAINTENANCE AND REPAIR (AUTO) TO BE LOCATED UPON TAX MAP# 0013-00-018.00), AT THE INTERSECTION OF DOBY'S BRIDGE ROAD AND CHARLOTTE HWY / US 521 FOR THE PURPOSE OF DEVELOPING AN OIL-CHANGE BUSINESS.

WHEREAS, on February 8, 2023, YDG Dobys Bridge Land LLC applied to the Lancaster County Planning Department for its review and consideration of a Conditional Use Permit upon a property zoned GB, General Business District, for a Minor Maintenance and Repair (Auto) for the purpose of developing an oil change facility upon Tax Map #0013-00-018.00, located at the corner of Doby's Bridge Road and Charlotte Hwy / US 521.

WHEREAS, after consideration of the details of the application, the Planning Staff recommended approval of the project subject to certain conditions noted during the Technical Review Committee (TRC) review process; and

WHEREAS, on April 18, 2023, the Planning Commission considered the project, identified CU-2022-2447 and, following due consideration, recommended approval of the project, by a unanimous vote of 6-0, subject to the same TRC conditions noted by the Planning Staff.

NOW, THEREFORE, upon review and consideration of the Planning Staff Report, Site Concept Plan, and other supporting documentation in the County Council agenda package, it is resolved that:

Lancaster County Council approves the Conditional Use Permit for a Minor Maintenance and Repair (Auto) for the purpose of developing an oil change facility to applicant addressing any outstanding TRC comments.

AND IT IS SO RESOLVED.

Signature page follows

Resolution No. 1236-R2023
Page 1 of 2

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

PROPOSAL:	Conditional Use Application to Permit: Minor Maintenance & Repair (Auto)
PROPERTY LOCATION:	0.64 acres intersection of Charlotte Highway 521 and Doby's Bridge Road (TM # 0013-00-018.11)
CURRENT ZONING DISTRICT:	General Business (GB); Carolina Heelsplitter and Highway Corridor Overlay Districts
APPLICANT:	YDG Doby's Bridge Land LLC
COUNCIL DISTRICT:	District #1, Terry Graham
STATUTORY NOTICES:	Signs posted 3/31/2023 on Doby's Bridge and Hwy 521 Hearing notice published 4/1/2023 in The Lancaster News Published 4/5/2023 in Carolina Gateway Mailed notices 3/31/2023 Posted agenda in lobby 4/11/2023

OVERVIEW & BACKGROUND:

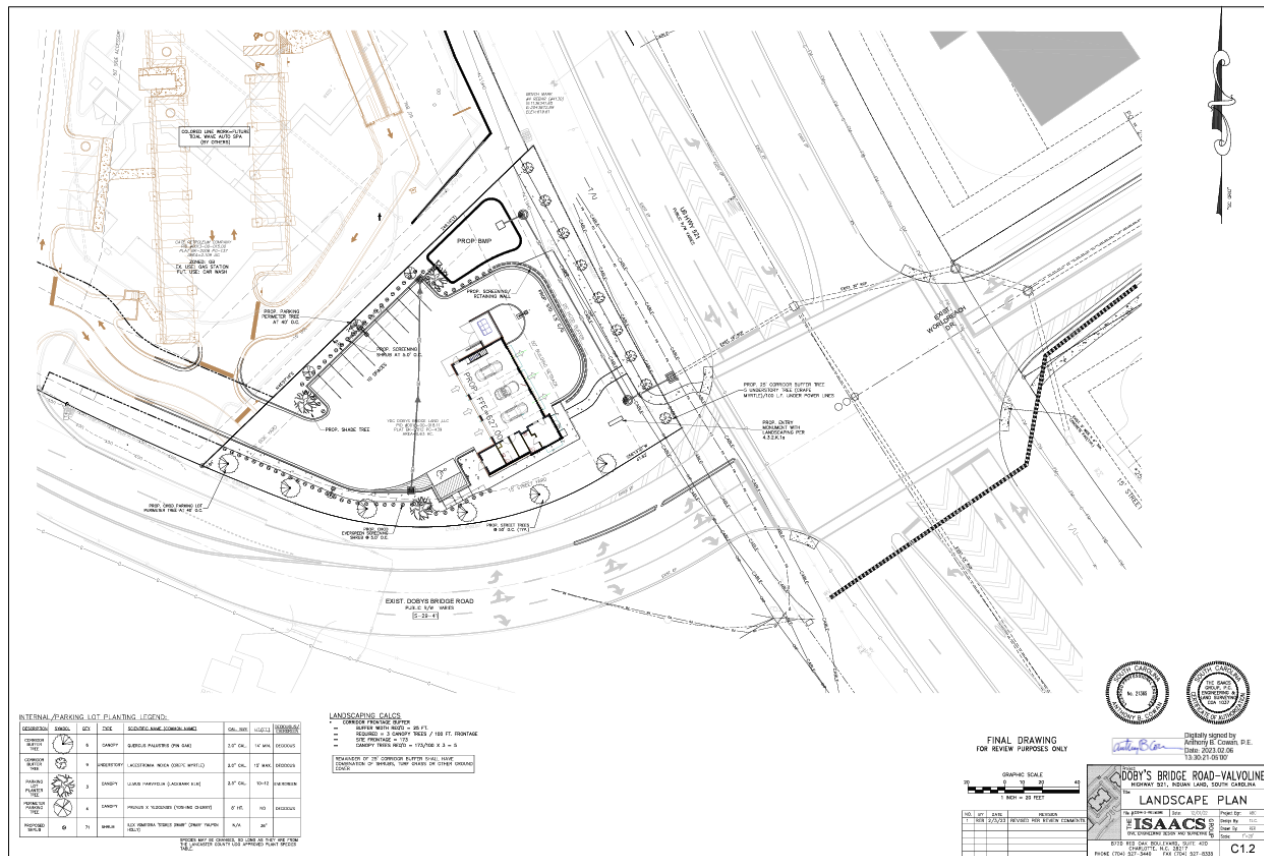
Site Information

This property is currently a vacant wooded lot adjacent to the Gate gas station off U.S. 521 and Doby's Bridge Road. The subject parcel is 0.64 acres in size and is zoned General Business (GB). The Gate site is currently pursuing a Conditional Use permit for an automated car wash (Tidal Wave Auto Spa), and that site plan includes connecting access for this proposed plan.

This request is to accommodate a Valvoline-branded oil change business. If approved for this site, the use would be located roughly 650 feet from an existing oil change location on Highway 521 (Express Oil Change and Tire Engineers) and half a mile from another existing oil change facility, (Jiffy Lube) off Shelly Mullis Road. Each of these oil change facilities are of similar design to the proposed site.

Current Proposal & Project Overview

The applicant is seeking a conditional use permit to allow an automotive minor maintenance and repair (oil change facility). The project has been submitted as a sketch plan and received one set of comments. These comments were addressed within the submitted conditional use plan. During the sketch review process, the project originally requested access from Doby's Bridge Road. SCDOT denied this request and has required the project to take access via an internal connection from the adjacent parcel currently occupied by the Gate station/proposed Tidal Wave Auto Spa. The Tidal Wave Auto Spa has been designed to incorporate access to the Valvoline site into the Auto Spa site plan. If the Tidal Wave Auto Spa's conditional use permit is denied by County Council, the proposed Valvoline would have to be deferred to find an alternative internal access from the existing Gate Station. If this is not possible, the project could be non-achievable.



Proposed Site Layout

Summary of Surrounding Zoning and Uses

Surrounding Property	Zoning District	Use
North	General Business (GB)	Gate Gas
South	Institutional (INS)	Lancaster County Schools
East	General Business (GB)	Cross Creek Shopping Center (Publix)
West	General Business (GB)	Doby's Bridge Professional Office complex

PHOTOS OF PROJECT AREA:



Facing subject property



Facing north toward Gate Station.



Facing the rear entrance of the Gate Station off Doby's Bridge Road



Proposed Access for Valvoline at existing Gate Station

APPLICABLE UDO PROVISIONS:

5.1.2. - CONDITIONAL USE (CU)

- A.** Conditional Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the County as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B.** All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that use.
- C.** Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
- D.** Approval procedures for Conditional Use permits are found in Chapter 9, Administration.

5.8.6 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR [NB, GB, RB, LI, HI, MX, IMX]

A. Outdoor Vehicle Storage: All outdoor storage of vehicles awaiting work or pick-up shall be screened by a Type C buffer in accordance with Section 7.1.5. No vehicles or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any right-of-way. No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained.

B. Vehicle Bays: Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows, and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Technical Review Committee (TRC).

C. Noise: No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8 PM and 7 AM the following morning. Intercom/sound systems shall not be audible at or beyond the property line.

D. Repair Work: All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of stormwater management are met.

E. Screening: All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer.

F. Accessory Structure Location: Accessory structures such as self-service vacuum cleaners, air pumps, and other self-service structures must be setback 50 feet from any residential use and 25 feet from any right-of-way.

G. Fueling Islands: Each drive-up fueling facility permitted under this title shall have off-street driveway stacking space that shall not inhibit or impede access to or from any parking space or drive.

H. Lighting

1. Canopy lighting fixtures shall be hidden inside a canopy so as not to be visible from offsite.
2. Freestanding lighting fixtures shall not exceed 15 feet in height if the use adjoins an existing residential district or residential lot. All light fixtures shall be cutoff luminaries that block the light source from off-site view.

I. Car Wash Allowed as Accessory Use: A one-bay car wash may be allowed as an accessory use. The car wash shall meet the setbacks for the principal use and not exceed 900 square feet in area. The car wash bay shall not be oriented toward the public right-of-way. Car washes are required to have operational recycled water systems where a minimum of 50 percent of water utilized is recycled.

10.3 VEHICLE SERVICES—MINOR

Facilities for the fueling, cleaning and servicing of automobiles, recreational vehicles, and other personal vehicles as a primary use. Examples include: gas stations; car washes (attended and self-service); car stereo and alarm system installers; detailing services; muffler and radiator shops; tire and battery sales and installation (not including recapping); and quick lube services. Such uses may include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of vehicle parts, food, and convenience items may be included as an incidental part of such uses.

STAFF RECOMMENDATION:

Staff has examined the conditional use application to permit Minor Maintenance and Repair. The plan meets the County requirements for the CUP subject to the following condition:

1. Address all other outstanding TRC/Evolve comments at the Preliminary and Civil Submittal Process.

ATTACHMENTS:

1. Conditional Use Application
2. Location Map/ Zoning Map
3. Concept Plan

STAFF CONTACT:

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



Planning Department

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

Phone: 803.285.6005, planning@lanastercountysc.net

www.mylanastersc.org

CONDITIONAL USE APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- All items noted on the Conditional Use Plan Checklist
- Fees associated with review

GENERAL INFORMATION

Property Address Intersection of Charlotte Hwy (US Hwy 521) and Doby's Bridge Road (S-29-41)

City Indian Land State SC Zip 29707 Tax Parcel ID 0013-00-018.11

Current Zoning GB Current Use Vacant / Wooded

Total Acres 0.64 Surrounding Property Description Commerical / Retail

Proposed Conditional Use A proposed drive through oil change facility

CONTACT INFORMATION

Applicant Name YDG DOBYS BRIDGE LAND, LLC (Doug Baumgartner)

Address 14021 Conlan Circle, Ste. B-10

City Charlotte State NC Zip 28277 Phone 704.542.7773

Fax _____ Email Doug.baumgartner@yorkdevelopmentgroup.com

Property Owner Name Same as Applicant

Address _____

City _____ State _____ Zip _____ Phone _____

Fax _____ Email _____

APPLICATION CERTIFICATIONS

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

Dag Baumgartner
Applicant

02/06/23
Date

Dag Baumgartner
Property Owner(s)

02/06/23
Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Conditional Use Application Fee - \$325.00

2. Planning Commission

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

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires a resolution for approval.
- Subsequent to County Council action, notice of action will be provided to the applicant,

CONDITIONAL USE PLAN CHECKLIST

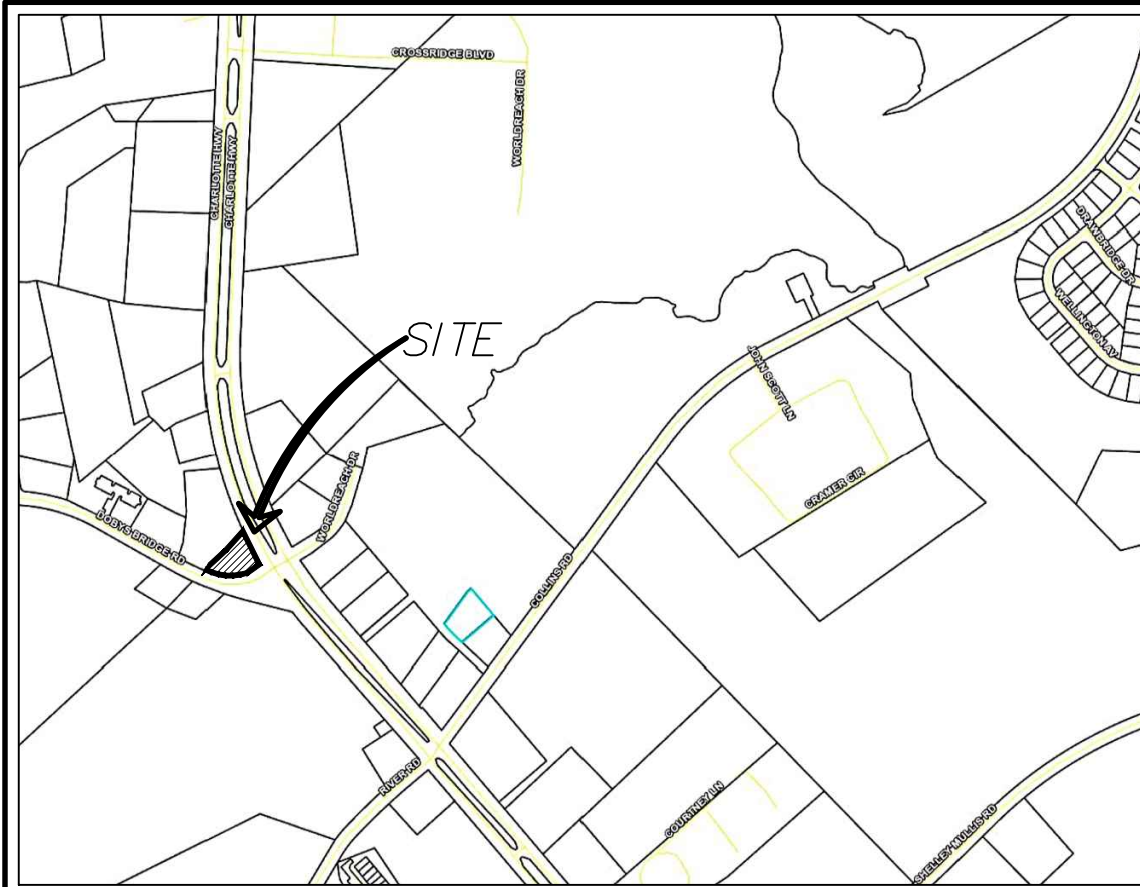
- ☒ The size of the plan and number of copies should conform to the following: Eight copies that are 24" x 36" (full size) and Two copies that are 11" x 17" (reduced size).
- ☒ A descriptive location of the property and vicinity map at a scale of not less than one inch equals one mile.
- ☒ Proposed name of the development.
- ☒ The date of the survey or plan.
- ☒ All plans shall be embossed with the seal and signature of the engineer/surveyor responsible for the work.
- ☒ A graphic scale and numerical scale shall be shown on the plan.
- ☒ The North arrow shall be shown and be accurately correlated with the courses with indications as to whether it is true, magnetic or grid.
- ☒ Total acreage and boundaries of the development shall be shown on the plan.
- ☒ All existing and proposed uses of land throughout the tract shall be shown on the plan.
- ☒ Topography of the site with a contour interval of not more than 5 feet shall be shown on plan.
- ☒ Typical arrangement of existing and proposed buildings and structures, including dimensions, elevations, uses, and setbacks shall be shown on the plan.
- ☒ Location of adjoining property lines and existing buildings shall be shown on the plan.
- ☒ The names of adjacent landowners, lot and/or block numbers, highways, streets, and named waterways shall be shown.
- ☒ All property lines shall be defined by course and horizontal distance. All property lines shall be plotted to the scale shown in the title.
- ☒ All easements and rights-of-way of existing and proposed buildings and structures shall be shown and shall include their widths and center lines.
- ☒ All existing street intersections shall be shown on the plan.
- ☒ Proposed parking areas and traffic circulation shall be shown on the plan.
- ☒ Exact ratio of impervious surfaces to lot area shall be shown.
- ☒ At a minimum the plan shall include basic landscape information such as the location and dimension of required buffer yards.

owner, and adjacent property owners.

- **Please note that upon approval of a conditional use, the applicant shall subsequently submit a site plan to The Lancaster County Planning Department for review. This site plan shall conform to the site plan process as enumerated in UDO Section 9.2.9 (Site Plan Process Chart)**

DOBY'S BRIDGE ROAD - VALVOLINE

HWY. 521 INDIAN LAND, SOUTH CAROLINA



VICINITY MAP

SCALE: 1"=1,000'

DEVELOPMENT DATA:

PROJECT NAME: DOBY'S BRIDGE ROAD VALVOLINE
OWNER/AGENT: YDC DOBYS BRIDGE LAND, LLC
14021 CONLAN CIRCLE STE. B-10
CHARLOTTE, NC 28277
CONTACT: DOUG BAUMGARTNER
PH: 704-877-3353
EMAIL: DOUG.BAUMGARTNER@YORKDEVELOPMENTGROUP.COM

PLAN PREPARED BY: THE ISAACS GROUP
8720 RED OAK BLVD, STE 420
CHARLOTTE, NC 28217
CONTACT: ANTHONY BRENT COWAN, P.E.
PH: 704-227-9402
EMAIL: BCOWAN@ISAACSGRP.COM

TOTAL ACREAGE: 0.63 ACRES
COUNTY: LANCASTER
TOWN: INDIAN LAND TOWNSHIP
EXISTING ZONING: OB
OVERLAY DISTRICT: HIGHWAY CORRIDOR OVERLAY
TAX PARCEL: 0013-00-018.11
BUILDING SETBACKS:
FRONT SETBACK: 50' FROM R/W
STREET YARD/PARKING SETBACK: 15' FROM R/W
REAR YARD: 15'
PROPOSED USE: VEHICLE SERVICES
PARKING:
VEHICLE SERVICES: 2 PER REPAIR BAY (3*2 = 6 SPACES) OR
PARKING REQUIRED: 6 SPACES
PARKING PROVIDED: 10 SPACES PLUS 1 H/C SPACE (11 TOTAL)
NO. OF EMPLOYEE PARKING SPACES: 5 PROVIDED (3 MIN.)
PROPOSED BUA: 0.38 AC. (16,639 S.F.) = 60.32%
COMMON OPEN SPACE CALCS:
TOTAL COS REQUIRED = 24% OF AREA = 24(0.63)/100 = 0.15 AC. (6,586 S.F.)
COS PROVIDED = 0.25 AC. (130,890 S.F.) = 39.68%
NOTE:
PER UDO CHAPTER 4.3.6.a.vi - PARKING AREAS WITH LESS THAN 20 SPACES
SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 4.3.2.K.6.

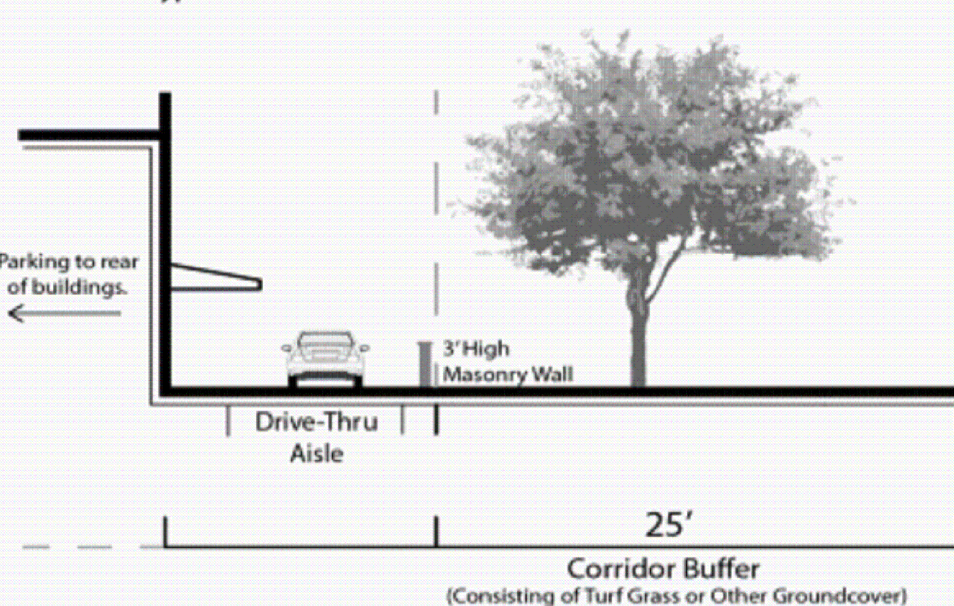
LEGEND:

—R/W	EXISTING RIGHT OF WAY LINE
—	EXISTING PROPERTY LINE
- - -	EXISTING PROPERTY LINE TO BE REMOVED
- - -	PROPOSED PUBLIC RIGHT OF WAY DEDICATION
- - -	PROPOSED UTILITY & ACCESS EASEMENT
- - -	PROPOSED PROPERTY LINE
- - -	PROPOSED TREE LINE (LIMITS OF CLEARING)
- - -	PROPOSED SETBACK/BUFFER LINE
- - -	PROPOSED LOWSD UTILITY EASEMENT
- - -	PROPOSED STORM DRAIN EASEMENT
- - -	EXISTING OVERHEAD UTILITY LINE
- - -	EXISTING SANITARY FORCE MAIN
- - -	EXISTING WATER MAIN
- - -	EXISTING GAS MAIN
- - -	PROPOSED PUBLIC GRAVITY SEWER MAIN
- - -	PROPOSED PUBLIC SEWER MANHOLE
- - -	PROPOSED PUBLIC WATER MAIN
- - -	PROPOSED PUBLIC FIRE HYDRANT
- - -	PROPOSED STORM DRAIN PIPE

GENERAL NOTES:

- THIS MAP IS NOT A CERTIFIED SURVEY. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY THE ISAACS GROUP, P.C. THE PHYSICAL AND TOPOGRAPHIC DATA PROVIDED IN THESE DRAWINGS HAS BEEN COMPILED BY THE ISAACS GROUP AND THE ENGINEER OF RECORD (ENGINEER) IN SUPPORT OF THIS PROJECT AND CANNOT BE RELIED UPON BY OTHERS. "THE ISAACS GROUP" AND "THE ENGINEER OF RECORD" SHALL DEFINE THE TERM OF "ENGINEER" USED IN THE SUBSEQUENT NOTES.
- THE EXISTING UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN AND THE UTILITIES SHOWN ON THIS PLAN MAY NOT BE IN THE EXACT LOCATIONS AS SHOWN. THE ISAACS GROUP, P.C. ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN OR ANY OMISSIONS IN SHOWING EXISTING UTILITIES THAT MAY BE WITHIN THE PROJECT AREA. THE CONTRACTOR IS 100% RESPONSIBLE FOR UTILIZING A PRIVATE LOCATOR AND APPROPRIATE UTILITY COMPANIES TO LOCATE THE SIZE, LOCATION, INVERTS, DEPTHS AND EXISTENCE OF ALL EXISTING UTILITIES (ELECTRICAL, MECHANICAL, WATER, TELEPHONE, FIBER OPTIC, GAS, ETC.) TO HIS/HER SATISFACTION PRIOR TO COMMENCEMENT OF CONSTRUCTION AND EXCAVATION ACTIVITIES. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
- PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR LOCATION & PROTECTION OF EXISTING ABOVE AND BELOW GROUND UTILITIES AND STRUCTURES. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY IN SERVICE WHICH ARE DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY AT NO ADDITIONAL EXPENSE TO THE OWNER OR THE ISAACS GROUP, P.C. ANY AND ALL MAINS OR INDIVIDUAL SERVICES PRESENTLY NOT IN SERVICE AND WHICH ARE TO BE REPLACED DURING THE COURSE OF CONSTRUCTION MAY BE REMOVED AND LEGALLY DISPOSED OF IF DAMAGED DURING CONSTRUCTION.
- THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
- HANDICAP SIGNAGE TO BE INSTALLED IN ACCORDANCE WITH A.D.A STANDARDS AT H/C PARKING SPACES SHOWN.
- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.
- PROPOSED LOCATIONS AND SIZES OF UNDERGROUND UTILITIES SHOWN ON THESE DRAWINGS ARE BASED UPON DESIGN CONSTRAINTS IDENTIFIED BY THE ENGINEER AND SHOULD BE VERIFIED BY THE CONTRACTOR TO ENSURE CONSISTENCY WITH THE MECHANICAL, ELECTRICAL AND PLUMBING PLANS TO ENSURE PROPER COORDINATION AND PLAN CONSISTENCY. ANY DISCREPANCIES BETWEEN THE INFORMATION SHOWN ON THESE DRAWINGS AND DRAWINGS PREPARED BY OTHER DESIGN CONSULTANTS NOT SUBCONTRACTING DIRECTLY WITH THE ISAACS GROUP / ENGINEER SHOULD BE REPORTED IMMEDIATELY UPON DISCOVERY AS NEEDED TO RESOLVE.

HWY 521 Typical Section . NTS



Source: Coblenz & Stone

SIGN SCHEDULE

- VAN ACCESSIBLE HANDICAPPED PARKING SIGN (MUTCD R7-8, R7-8A, & R7-8D)
- NO PARKING: DISABLED PASSENGER LOADING SIGN (MUTCD R7-8, R7-8A, & R7-8D)
- STOP SIGN (30"x30") (MUTCD R1-1)

CAROLINA HEELSPLUTTER OVERLAY NOTE: THIS SITE IS IN THE HEELSPLUTTER OVERLAY DISTRICT. MITIGATION CREDITS WILL BE PURCHASED THROUGH THE US FISH AND WILDLIFE DEPT.

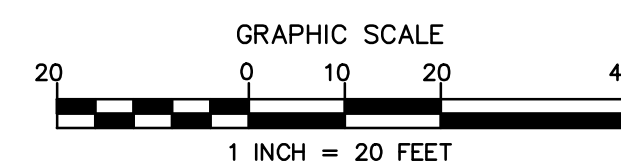
SHEET LEGEND

- C1.0 SITE PLAN
- C1.1 EXISTING CONDITIONS PLAN
- C1.2 LANDSCAPING PLAN
- C2.0 UTILITY PLAN
- C3.0 GRADING PLAN

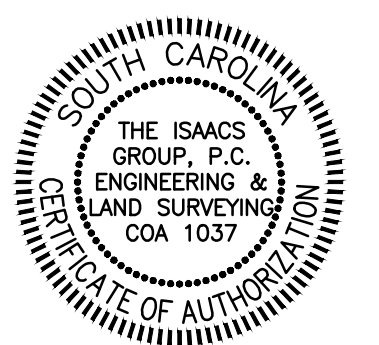


THE EXISTING UTILITIES SHOWN ARE APPROXIMATE ONLY AND SHOULD NOT BE RELIED UPON AS THE EXACT LOCATION OR A COMPLETE INVENTORY WHEN PERFORMING SITE EXCAVATION. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, CONTACT 811 OR A PRIVATE UTILITY LOCATOR AS NEEDED TO VERIFY THE LOCATIONS AND EXISTENCE OF EXISTING UTILITIES.

FINAL DRAWING FOR REVIEW PURPOSES ONLY



NO.	BY	DATE	REVISION
1	NER	2/3/23	REVISED PER REVIEW COMMENTS



Project:
DOBY'S BRIDGE ROAD-VALVOLINE
HIGHWAY 521, INDIAN LAND, SOUTH CAROLINA

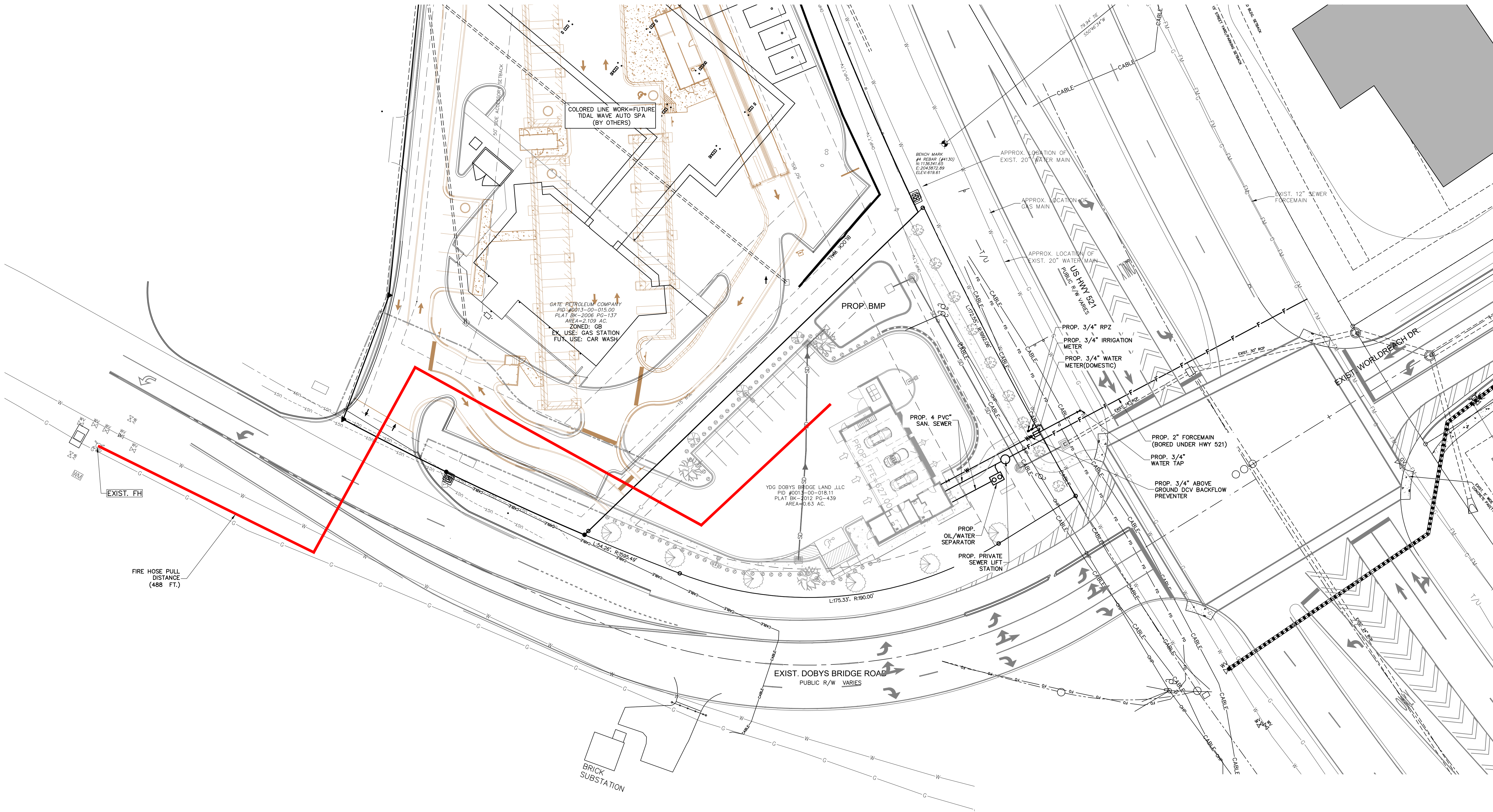
Title:
SITE PLAN

File #22244-S-PRELIM.DWG Date: 12/01/22 Project Egr: ABC

ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING
8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

Design By: T.I.G.
Drawn By: NER
Scale: 1"=20'

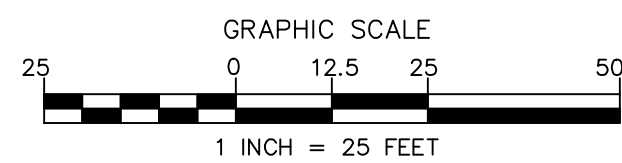
C1.0



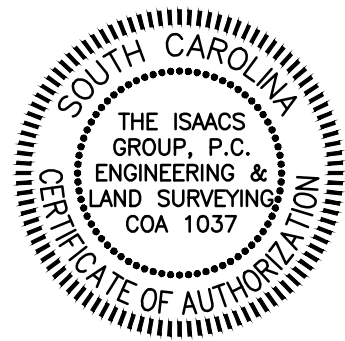
"SC GRID"

UTILITY LEGEND	
	EXISTING WATER LINE
	EXISTING FIRE HYDRANT
	EXISTING SANITARY SEWER LINE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING OVERHEAD POWER
	PROPOSED WATER LINE
	PROPOSED FIRE HYDRANT
	PROPOSED SANITARY SEWER PIPE
	PROPOSED SANITARY SEWER MANHOLE

FINAL DRAWING
FOR REVIEW PURPOSES ONLY



NO.	BY	DATE	REVISION
1	RE	2/3/23	REVISED PER REVIEW COMMENTS



ISAACS GROUP
CIVIL ENGINEERING DESIGN AND SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

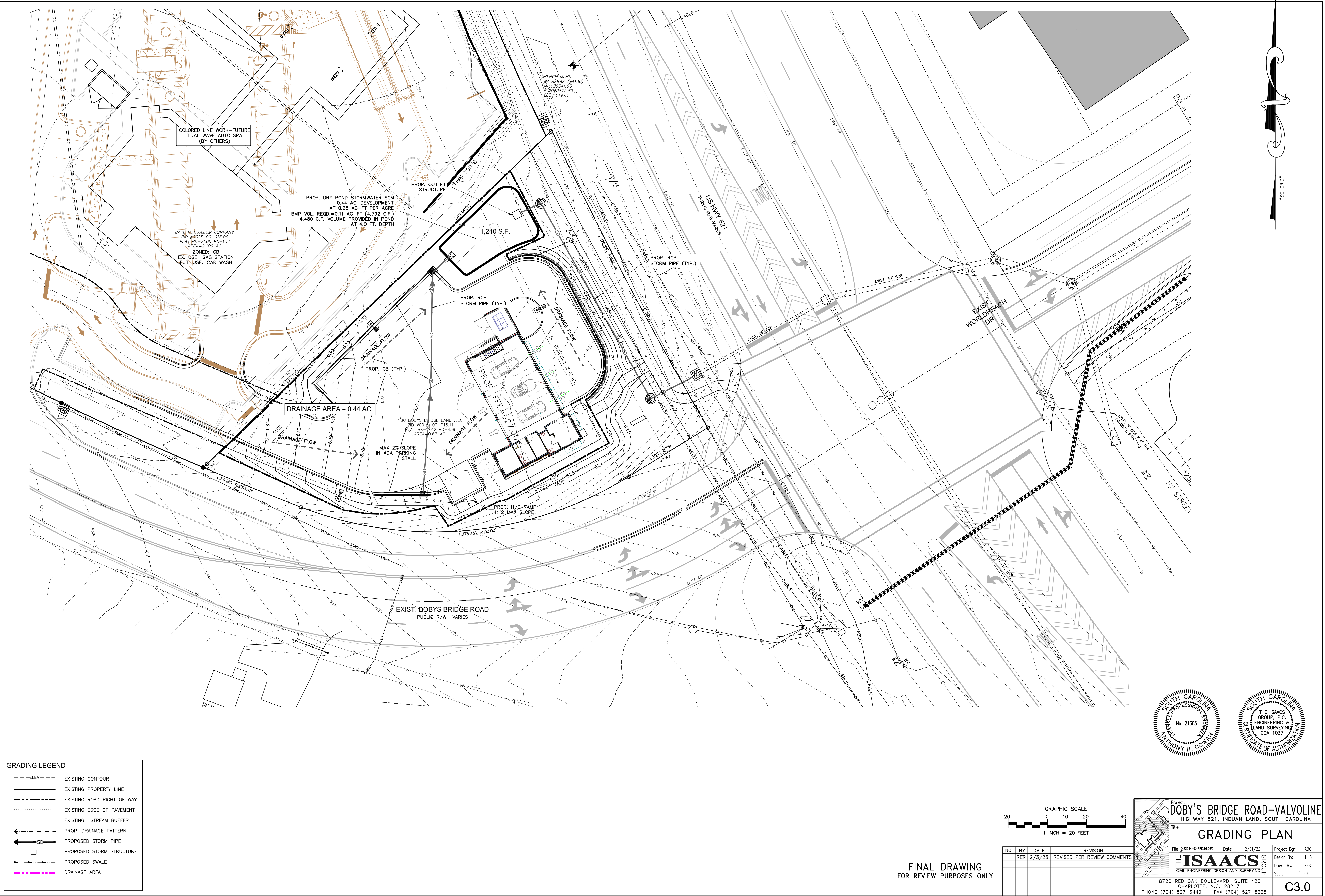
Project: DOBY'S BRIDGE ROAD-VALVOLINE
HIGHWAY 521, INDIAN LAND, SOUTH CAROLINA

Title: UTILITY PLAN

File #22244-S-PRELIM.DWG Date: 12/01/22 Project Egr: ABC

Design By: T.J.G.
Drawn By: RER
Scale: 1"=25'

C2.0



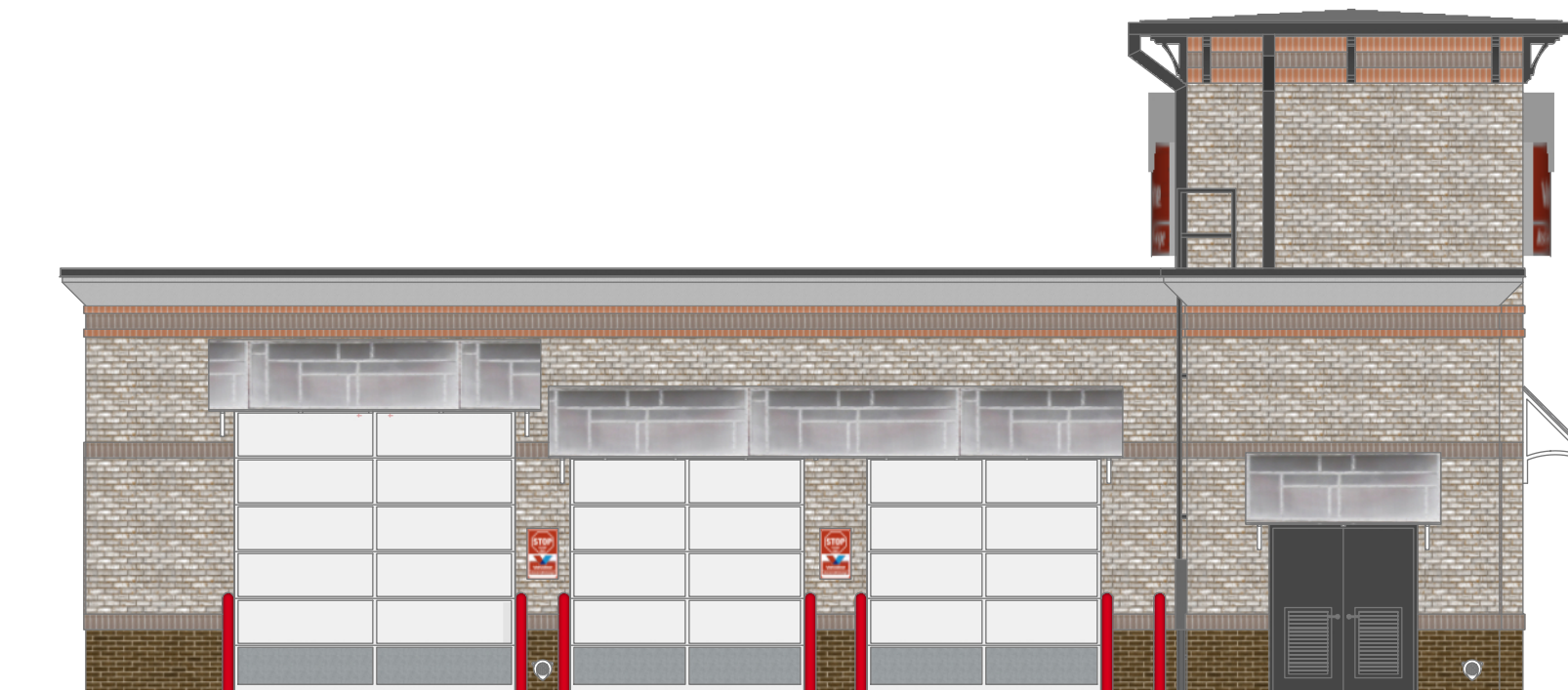
GRADING LEGEND	
---	EXISTING CONTOUR
---	EXISTING PROPERTY LINE
---	EXISTING ROAD RIGHT OF WAY
---	EXISTING EDGE OF PAVEMENT
---	EXISTING STREAM BUFFER
←	PROP. DRAINAGE PATTERN
←	PROPOSED STORM PIPE
□	PROPOSED STORM STRUCTURE
→	PROPOSED SWALE
---	DRAINAGE AREA



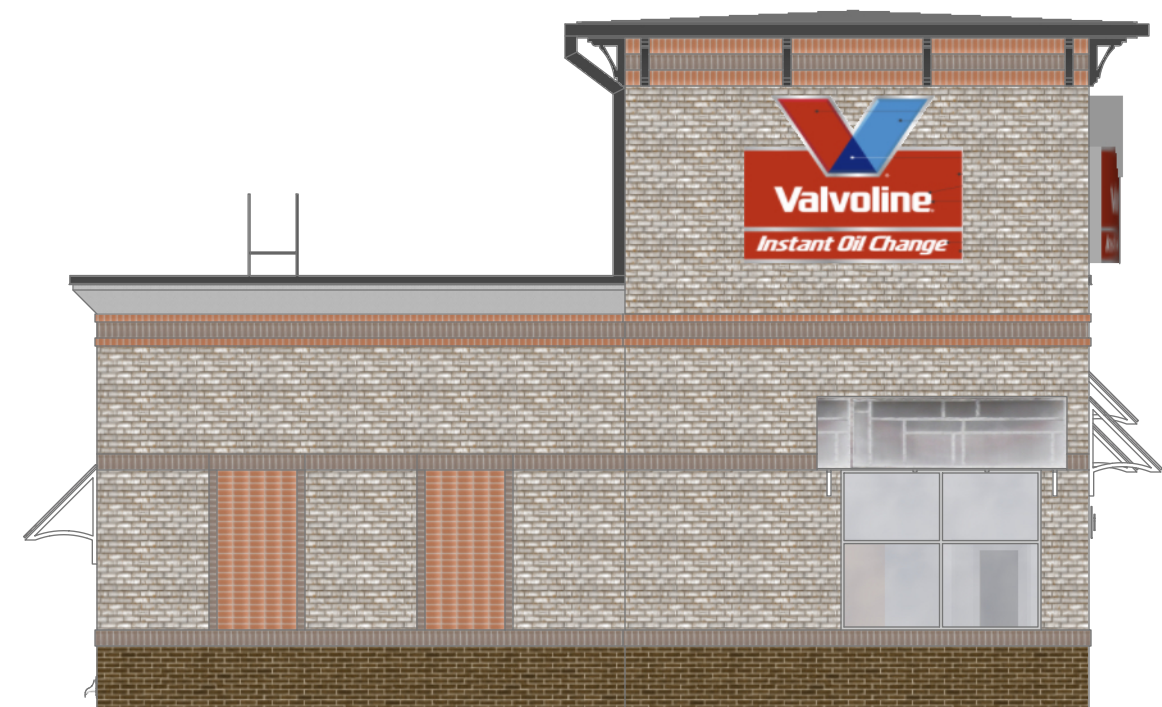
FRONT



RIGHT



REAR



LEFT

SIGNAGE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
SIGNAGE PERMITTING TO BE A SEPARATE PROCESS.



Quality Automotive Services, Inc.
8000 Tower Point Dr
Charlotte, NC 28227
704 226 1900 - office
704 254 7242 - mobile
thelms@ncvioc.com

This drawing is the property of
Quality Automotive and is for the
sole use of the intended recipient
(Owner / Occupant / Subcontractor)
and is not to be shared with any
third party for any purpose without
the express written consent of QAS.

Document Date:
February 5, 2023

Valvoline Instant Oil Change
8430 Charlotte Hwy
Indian Land, SC

Elevations



Quality Automotive Services, Inc.
8000 Tower Point Dr
Charlotte, NC 28227
704 226 1900 - office
704 254 7242 - mobile
thelms@ncvioc.com

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Document Date:
February 5, 2023



FRONT PERSPECTIVE



REAR PERSPECTIVE

Valvoline Instant Oil Change
8430 Charlotte Hwy
Indian Land, SC

Perspectives



101 S. Tryon Street,
Suite 2700,
Charlotte, NC 28280
704-951-5650
WellsandAssociates.com

February 8, 2023

Doug Baumgartner
York Development Group
14021 Conlan Circle, Suite B-10
Charlotte, NC 28277

Re: Indian Land Valvoline – Doby's Bridge Road
Lancaster County – Trip Generation Analysis Determination

Dear Mr. Baumgartner:

Wells + Associates has completed a trip generation assessment in support of the application for a proposed Indian Land Valvoline in Lancaster County, South Carolina. The site is located at the intersection of Charlotte Highway (HWY 521) and Doby's Bridge Road.

The Applicant proposes to redevelop the site with a Valvoline store with three (3) service stations. Based on the Lancaster County Unified Development Ordinance (UDO), a traffic impact study is required for sites that are estimated to generate in excess of 50 peak hour trips.

Proposed Site Trip Generation

Trip generation estimates for the proposed uses were determined based on the Institute of Transportation Engineer's (ITE's), Trip Generation Manual, 11th Edition rates/equations (Land Use Code 941 – Quick Lubrication Vehicle Shop). As shown on Table 1, the proposed development is estimated to generate 9 AM peak hour trips (6 in and 3 out), 15 PM peak hour trips (8 in and 7 out), and 120 average daily weekday trips.

Determination and Conclusion

The proposed development's estimated trip generation would be less than the trip thresholds for a TIA under the Lancaster County guidelines. It is noted that the estimates are also below the South Carolina Department of Transportation (SCDOT) TIA threshold of 100 peak hour trips. We look forward to your concurrence.

Sincerely,

Grady P. Vaughan, PE, PTOE, PTP
Senior Associate

Table 1

Indian Land Valvoline

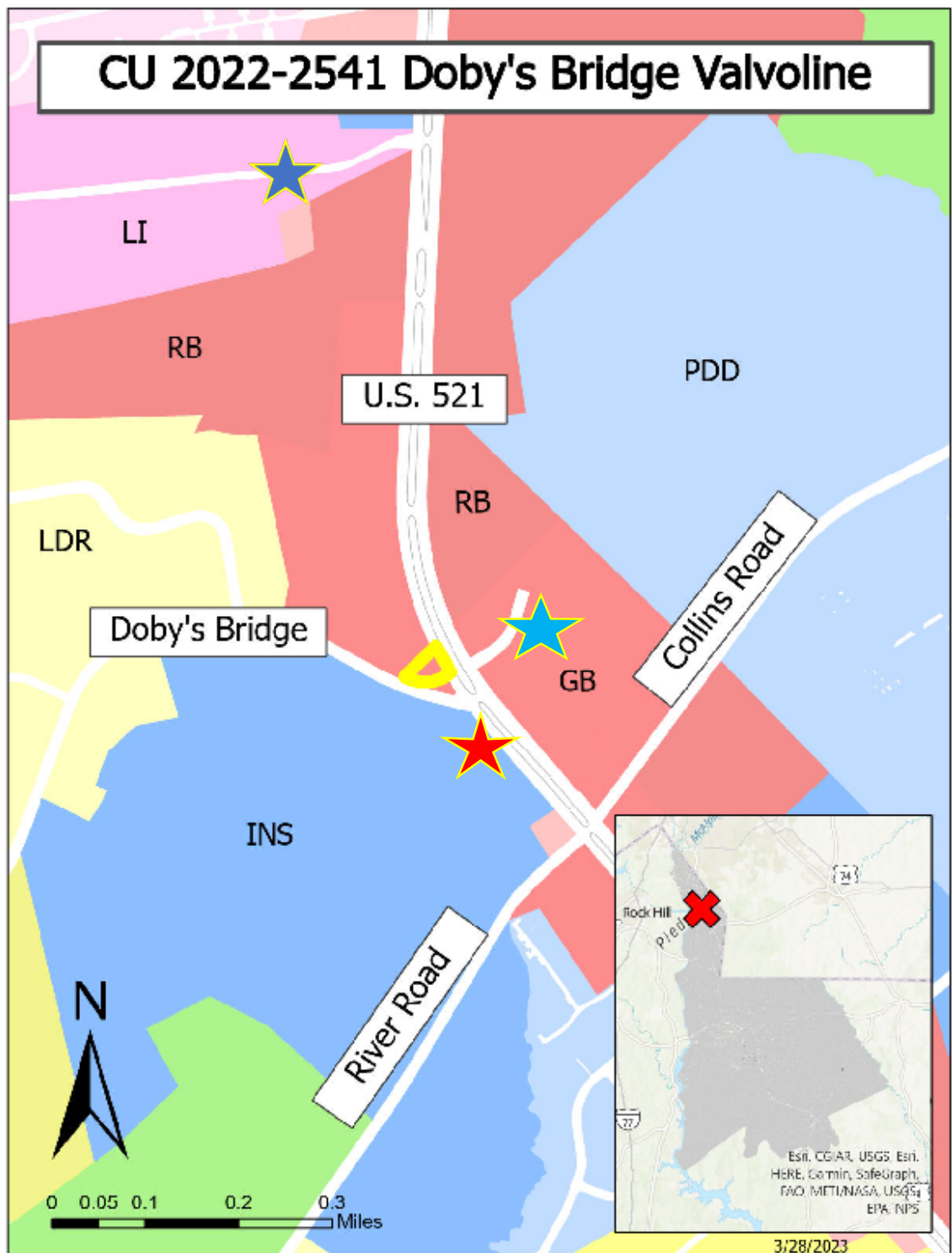
Trip Generation Analysis ¹

Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour			Weekday ADT
				IN	OUT	TOTAL	IN	OUT	TOTAL	
<u>Proposed Uses</u>										
Quick Lubrication Vehicle Shop	941	3	Servicing Positions	6	3	9	8	7	15	120

Notes:

1. Trips generated using Institute of Transportation Engineers (ITE) [Trip Generation Manual](#), 11th Edition.

CU 2022-2541 Doby's Bridge Valvoline



Proposal:

Auto: Minor Repair & Maintenance

Lancaster
County
South Carolina



Subject Property



Perimeter 521
Commercial Park



IL Intermediate School



Cross Creek
Shopping Center

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 18, 2023, and Monday, May 8, 2023, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. CU-2022-2541: Application by YDG Doby's Bridge Land, LLC for a Conditional Use permit for Auto: Minor Maintenance & Repair at the intersection of Doby's Bridge and Highway 521 (TM 0013-00-018.11) to develop an oil-change facility (a/k/a Valvoline).

2. RZ-2023-0215: Application by Richard F. Duncan to rezone approximately 1.206 acres, located at 3867 Pageland Highway (p/o TM 0059-00-058.00) from Rural Residential (RR) to Rural Business (RUB) district, in order to remedy non-conformity of existing business on site and allow minor subdivision of property.

The following items only require one public hearing before the Lancaster County Planning Commission on Tuesday, April 18, 2023 at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. SD-2021-2450: Application by Eastwood Homes and Jane Pettus for approval of a Preliminary Plat for three parcels totaling approximately 61.24 acres located at or adjacent to #10925 and #10822 Pettus Farm Road and Old Pettus Place, respectively, (TMs 0003-00-051.00, 0003-00-052.00, and 0003-00-052.06), for a single-family residential development of 99 lots (a/k/a Pettus Pond).

2. RN-2023-0530 : ROAD NAME APPROVALS: Pursuant to SC Code Title VI, Section 6-29-1200, the list of existing street names in Lancaster County will be presented for review and approval by the Planning Commission. A full list of the street names is available via <https://www.mylancastersc.org/> or in the Lancaster County Planning Office, 101 N Main St, Lancaster, SC.

The following item will be heard by the Lancaster County Planning Commission on Tuesday, April 18, 2023, at 6:00 PM at the Lancaster County Administrative Building; and by the Kershaw Town Council on Monday, May 15, 2023 at 7:00 PM, 113 S. Hampton Street, Kershaw.

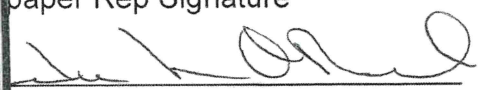
1. RZ-2023-0503; Application by John T. Stevens Foundation to rezone approximately .78 acres at and adjacent to 502 N. Matson Street, Kershaw SC (TM#0156H-0K-005.00) from R15 Residential to B1 Central Business, to allow redevelopment of former library as office space for the Foundation.

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. At the public hearing and any

ished in The Lancaster News,
rolina, in accordance with

paper Rep Signature



The Lancaster News

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

PUBLIC HEARING NOTICE

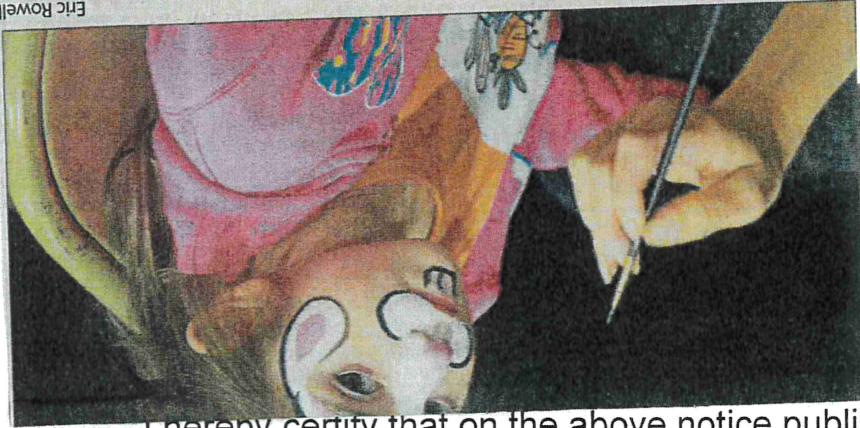
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Come hunt eggs

Elia Gleaton gets her face painted at the 2022 Rosie's Easter Bash at the American Legion Post 31 in Lancaster. This year's event is April 8.



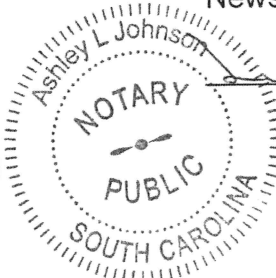
I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on April 1st 2023.

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

Ashley L Johnson
Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature



CAROLINA GATEWAY

PUBLIC HEARING NOTICE

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

published in the Carolina
a, in accordance with law

Spaper Rep Signature

Kristi Rose

CAROLINA GATEWAY

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

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Wesley Financial Group, LLC
Timeshare Cancellation Ex-
perts. Over \$50,000,000 in
timeshare debt and fees can-
celled in 2019. Get free in-
formational package and
learn how to get rid of your
timeshare! Free consulta-
tions. Over 450 positive re-
views. Call 800-339-6862 or
www.Life55plus.info/scan

TEED Life Insurance No med-
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other final expenses. Call Phys-
icians Life Insurance Company
- 855-837-7719 or visit
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Sat and Sun 5pm-6pm
Call 803-289-2609 OR
Email: bumgardnerbrandi
@yahoo.com
Facebook: Shamrock Bingo
Lancaster

0500 MERCHANDISE
S.C. Newspaper Network,
1-888-727-7377.
SHAMROCK BINGO
Hiring for Bingo
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Email: bumgardnerbrandi
@yahoo.com
Facebook: Shamrock Bingo
Lancaster

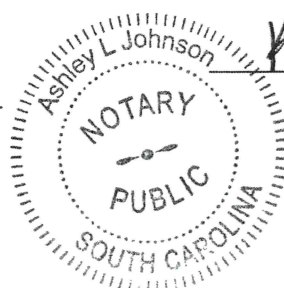
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I hereby certify that on the above notice published in the Carolina Gateway in Lancaster County, South Carolina, in accordance with law on April 5th 2023.

SWORN to before me this 5th day of April, 2023

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

Newspaper Rep Signature



Kristi Rose

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1843 / Planning Case Number: UDO-TA-2023-0188

Contact Person / Sponsor: Matt Blaszyk / Planning

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Application by Lancaster County Water & Sewer District for an amendment to Section 2.4, regarding building heights, requesting an exemption for LCWSD water tanks and alteration from the current setback standards.

Points to Consider:

Lancaster County Water and Sewer Districts elevated water tanks are currently required to meet the setback requirement "For every foot of building height, the developer shall provide setbacks equal to the height of the building" This is more common for building facades than setbacks for utilities such as water tanks.

The text amendment proposed for the LCWSD elevated tanks would be required to meet the setback requirements of the zoning district they reside in. This would allow LCWSD staff to more easily access the towers as needed, and continue to allow the utility to serve the citizens with water using existing properties.

A chart listing the zoning setbacks is attached per Council's request from the last meeting.

Funding and Liability Factors:

N/A

Recommendation:

The proposed text amendment received unanimous recommendation for approval at March's Planning Commission meeting.

Staff also recommends approval.

At the April 22, 2023 Council meeting, the Council and applicant negotiated an amendment to ensure that the water towers would not be more than 25 feet from any right-of-way. The resulting amendment would read:

“For every foot of building height, the developer shall provide setbacks equal to the height of the building”. Lancaster County Water and Sewer District’s Elevated Water Tanks will be required to conform to the setbacks within the zoning district they reside in with minimum 25 feet front setback in all zoning districts.”

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 2023-1843	5/1/2023	Ordinance
Exhibit 1 to Ordinance 2023-1843	5/3/2023	Exhibit
Staff Report	3/14/2023	Exhibit
Application	3/14/2023	Exhibit
Chart regarding Zoning Setbacks	4/17/2023	Backup Material

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2023-1843

COUNTY OF LANCASTER

)

)

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) SECTION 2.4, BUILDING HEIGHTS, TO EXEMPT LANCASTER COUNTY WATER & SEWER DISTRICT (LCW&SD) WATER TANK TOWERS FROM HEIGHT REGULATIONS AND ALTER SETBACK REQUIREMENTS FOR THE TOWERS ON THE EFFECTIVE DATE OF THIS ORDINANCE

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

Section 1. Findings and Determinations.

The Council of Lancaster County (“Council”) finds and determines that:

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase and development project are often presented to the Council that comply with technical requirements of the UDO, but do not fully realize the development policy goals of Lancaster County.
- (c) To address issues with development standards within the current UDO, Lancaster County directed its UDO consultants to develop an interim ordinance to address some of the larger issues associated with development projects that have been processed with the current UDO.
- (d) It is necessary and prudent to amend the UDO with this interim ordinance text amendment prior to the full UDO rewrite to ensure that high quality development projects occur in Lancaster County and that, prior to full UDO rewrite, development projects better achieve the development policy goals of Lancaster County.
- (e) The current Lancaster County UDO allows any nonresidential structure which is located immediately adjacent to a single-family residential use or district, the lot boundary line minimum distance shall be determined as follows: for every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the relevant table(s).
- (f) The text amendment would add a footnote to each table within Section 2.4 of the UDO that exempt elevated water tanks installed by LCW&SD from building heights and the setback requirement “For every foot of building height, the developer shall provide setbacks equal to the height of the building. Lancaster County Water and Sewer District’s Elevated Water Tanks will be required to conform to the setbacks within the zoning district they reside in with minimum 25 feet front setback in all zoning districts.”

Additions are Underlined. ~~Deletions are Struck Through.~~

- (g) LCW&SD's elevated tanks would be required to conform to a 25' setback or the setbacks within the zoning district they reside in, whichever is greater.
- (h) The text amendment provides increased accessibility to Elevated Water Tank sites and increase opportunities for future sites, as well as addresses County Council's concerns regarding allowing adequate, unencumbered rights-of-way along roads.
- (i) 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.
- (j) Lancaster County Planning Commission considered the proposed text amendment at its meeting on March 21, 2023 and by a unanimous vote recommended approval of the proposed text amendment.

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

Ordinance 2016-1442 (Unified Development Ordinance), is amended as set forth in the "Interim Ordinance - Exhibit 1" attached hereto and incorporated herein by reference.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Additions are Underlined. ~~Deletions are Struck Through.~~

First Reading: April 11, 2023
Public Hearing: April 11, 2023
Second Reading: April 24, 2023
Third Reading: May 8, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

Additions are Underlined. ~~Deletions are Struck Through.~~

1. Accessory structures over 600 sf must comply with principal setback requirement.
2. No accessory structures may be located on corner lots between the street and wall line of the principal structure.
3. For any nonresidential structure which is located immediately adjacent to a single-family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
4. The Development/District Exterior Setback/Buffer shall not apply between adjacent LI and HI districts. A waiver of these requirements may be granted by the Administrator for LI and HI lots existing at the adoption date of this ordinance which do not meet the specified minimum District/Development Area. In such instances the building setback standards for the AR District shall apply. A waiver of these requirements may also be granted by the Administrator in order to permit access to an adjacent railroad right-of-way.
5. Elevated Water Tanks installed by the Lancaster County Water and Sewer District are exempt from building height requirements. The tanks shall also be exempt from the setback requirement "For every foot of building height, the developer shall provide setbacks equal to the height of the building." Lancaster County Water and Sewer District's Elevated Water Tanks will be required to conform to the setbacks within the zoning district they reside in with minimum 25 feet front setback in all zoning districts."

PROPOSAL:	Amend Unified Development Ordinance Section 2.4, Building Heights, to exempt LCW&SD water tank towers, alter setbacks.
APPLICABLE CHAPTER(S):	Chapter 2
APPLICANT:	Bradley Bucy for Lancaster County Water & Sewer District
STATUTORY NOTICES:	Hearing notice published 3/04/2023 in The Lancaster News And 3/08/2023 in Carolina Gateway Posted agenda in lobby and on website 3/14/2023

PROJECT SUMMARY & PROPOSAL:

On behalf of Lancaster County Water & Sewer District, a private utility company, applicant Bradley Bucy is proposing to amend Chapter 2 of the Unified Development Ordinance (UDO) to exempt LCW&SD water tank towers from height regulations in the ordinance and change the setback requirements for the towers.

OUTLINE OF TEXT AMENDMENT:

The following section of the UDO are proposed to be amended: 2.4

For any nonresidential structure which is located immediately adjacent to a single-family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.

With the addition of the following language:

Add a footnote to each table within section 2.4 of the UDO. The proposed footnote reads: Elevated Water Tanks installed by the Lancaster County Water and Sewer District are exempt from building height requirements. The tanks shall also be exempt from the setback requirement “For every foot of building height, the developer shall provide setbacks equal to the height of the building”. Lancaster County Water and Sewer District’s Elevated Water Tanks will be required to conform to the setbacks within the zoning district they reside in.

Based on staff’s findings, we offer the modifications attached to the Draft Ordinance for the Commission’s consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in strikethrough font. The proposed language is found in Attachment 2.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI.

The proposed text amendment has been found to potentially increase accessibility to Elevated Water Tank sites and increase opportunities future sites.

Staff has no specific objections to exempting the Lancaster County Water and Sewer Districts Elevated Water Tanks from building height requirements and from UDO 2.4 setback requirement “For every foot of building height, the developer shall provide setbacks equal to the height of the building”.

It should also be noted that the County is currently in the process of updating the UDO and it may be appropriate to study any proposed changes regarding utilities as a part of that process.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment

STAFF CONTACT:

Matthew Blaszyk, Planner
mblaszyk@lancastersc.net



Planning Department

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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended 2.4 Building Height and Setbacks
Current Text Building Height is 35 feet to 60 feet and setbacks 4. For every foot
building height, the developer shall provide setbacks equal to the height of the
building.

Proposed Text _____
Add a footnote to each table within section 2.4 of the UDO. The proposed footnote reads: Elevated Water Tanks installed by the Lancaster County Water and Sewer District are exempt from building height requirements. The tanks shall also be exempt from the setback requirement "For every foot of building height, the developer shall provide setbacks equal to the height of the building". Lancaster County Water and Sewer District's Elevated Water Tanks will be required to conform to the setbacks within the zoning district they reside in."

Description of Need for Proposed Text Attached

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Lancaster County Water and Sewer District
Address 1400 Pageland Highway
City Lancaster State SC Zip 29720 Phone 803-416-5523
Fax 803-285-9575 Email bbucy@lcwasd.org

APPLICATION CERTIFICATIONS

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

LCWSD Timothy R. Kamin, Professional Engr. 3/10/23
Applicant _____ Date _____

SAME
Property Owner(s) _____ Date _____

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

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

2. Planning Commission

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

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

Description of Need for Proposed Text: Elevated Tanks are normally 120 to 150 feet tall, and the elevated tank height is dependent on the ground elevation and water system hydraulic grade line.

We offer the following information to support the text amendment: Lancaster County Water and Sewer District (LCWSD) charter allows LCWSD to provide water and sewer service to the unincorporated areas of Lancaster County. LCWSD sites elevated water storage tanks based to topographical elevations and water system hydraulics throughout the County which prohibits LCWSD from siting them by zoning district. We simply must site the tank at the best location for system hydraulics and topography considerations. Also, looking for available property is a challenge in high growth areas. LCWSD is subject to SC Department of Health and Environmental Control Regulations which require maintenance of elevated water tanks to meet drinking water standards and elevated tank design and maintenance standards. There will never be a situation where a tank is left standing and in disrepair to become a safety issue. SC DHEC would require the tank to be taken out of service and removed if it became a drinking water liability. Elevated Tanks are designed according to the American Water Works Association (AWWA) Standard D-100 per SC DHEC regulation R.61.58.4C2a. "Steel structures shall be designed in accordance with current AWWA Standard D-100". AWWA Section 4.7 Tank Stability Against Overturning states "The tank stability against overturning shall be checked as outlined in Section 3.8.3, 12.4, and 12.5 with the tank empty and maximum wind load. If applicable, stability under seismic loading shall also be checked with the tank full". The most conservative analysis is applying the wind load with the tank empty and applying the seismic load with the tank full. Section 12.5.1 Overturning stability states "The size of the foundation shall be sufficient to maintain bearing pressures below the ultimate bearing capacity of the soil when subjected to an overturning moment equal to 1.5 times the overturning moment determined for wind or seismic loads". It is required that the safety factor of elevated tank design is very stringent with built in safety factors which far exceed the standard building code. Elevated water tanks are normally operated with substantial water in them (more than ½ full) and are only drained for inspections and maintenance which are highly regulated and monitored events done during appropriate weather conditions.

2.4 DISTRICT DEVELOPMENT STANDARDS

The following tables outline the primary development standards for each base zoning district in Lancaster County. For development on infill lots and additions to existing development, the standards in Chapter 1 shall also apply.

STANDARD	Agricultural Residential (AR)	Rural Residential (RR)	Rural Neighborhood (RN)	Rural Business (RUB)	Manufactured Housing (MH)
1. DEVELOPMENT STANDARDS					
A. District/Development Area (min)	n/a	n/a	n/a	n/a	n/a
B. Development/District Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a
C. Density (max)	1 unit/acre	1 unit/acre	1 unit/acre	1 unit/acre	1 unit/acre
D. Open Space (min)	Exempt	Exempt	Exempt	Exempt	Exempt
E. Park Space (min)	Exempt	Exempt	Exempt	Exempt	Exempt
F. Building Floor Area (max)	n/a	n/a	n/a	n/a	n/a
G. Development Floor Area (max)	n/a	n/a	n/a	n/a	n/a
2. LOT STANDARDS					
A. Lot Area (min)	1.0 acre	1.0 acre	1.0 acre	1.0 acre	1.0 acre (3)
B. Lot Width at Front Setback (min)	130 lf	130 lf	130 lf	130 lf	130 lf
C. Pervious Surface (min)	65%	50%	50%	50%	50%
3. PRINCIPAL BUILDING					
A. Principal Front Setback (min)	40 ft	40 ft	40 ft	40 ft	40 ft
B. Street Side/Secondary Front Setback (min) Corner	20 ft	20 ft	20 ft	20 ft	20 ft
C. Side (from adjacent lot) Setback (min)	20 ft	20 ft	20 ft	20 ft	20 ft
D. Rear Setback (min)	25 ft	25 ft	25 ft	25 ft	25 ft
E. Other Standards	n/a	n/a	n/a	See Below (4)	n/a
4. ACCESSORY STRUCTURE	<i>Note: Accessory Structures have no front setbacks because they're not allowed in front yards</i>				
A. Side Setback	5 ft	5 ft	5 ft	5 ft	5 ft
B. Rear Setback	5 ft	5 ft	5 ft	5 ft	5 ft
C. Other Standards	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION					
A. Parking Location per Section 7.2	See Chart 7.2.3	See Chart 7.2.3	See Chart 7.2.3	See Chart 7.2.3	See Chart 7.2.3
B. Parking in Exterior Setback	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT					
A. Principal Building (max)	35 ft	35 ft	35 ft	35 ft	35 ft
B. Accessory Structure (max)	35 ft	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	n/a	n/a	n/a	n/a	n/a

1. Accessory structures over 600 sf must comply with principal setback requirement.
2. No accessory structures may be located on corner lots between the street and wall line of the principal structure, unless front setback requirements are provided on both streets.
3. Manufactured/Mobile Home Parks have additional standards that apply to each designated manufactured/mobile home space as required in Chapter 5.
4. For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.

STANDARD	Low Density Residential (LDR)	Medium Density Residential (MDR)	Professional Business (PB)	Neighborhood Business (NB)	General Business (GB)	Regional Business (RB)
1. DEVELOPMENT STANDARDS						
A. District/Development Area (min)	n/a	n/a	n/a	n/a	n/a	n/a
B. Development/District Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
C. Density (max)	1.5 unit/acre	2.5 units/acre	n/a	n/a	n/a	n/a
D. Open Space (min)	10%	20%	n/a	n/a	n/a	n/a
E. Park Space (min)	5%	5%	n/a	n/a	n/a	n/a
2. LOT STANDARDS						
A. Lot Area (min)	29,040 sf	10,000 sf	5,000 sf	n/a	n/a	n/a
B. Lot Width at Front Setback (min)	90 ft Water/Sewer OR 130 ft Septic See Below (5)	70 ft Water/Sewer OR 130 ft Septic See Below (5)	100 ft	100 ft	100 ft	100 ft
C. Pervious Surface (min)	45%	45%	24%	24%	24%	24%
3. PRINCIPAL BUILDING						
A. Principal Front Setback (min)	40 ft	30 ft	10 ft	25 ft	50 ft	50 ft
B. Street Side/Secondary Front Setback (min)	20 ft	15 ft	10 ft	10 ft	15 ft	15 ft
C. Side (from adjacent lot) Setback (min)	20 ft	10 ft	10 ft	10 ft	15 ft	15 ft
D. Rear Setback (min)	25 ft	25 ft	10 ft	10 ft	15 ft	15 ft
E. Other Standards	n/a	n/a	See Below (4)	See Below (4)	See Below (4)	See Below (4)
4. ACCESSORY STRUCTURE						
A. Side Setback	5 ft	5 ft	40 ft	40 ft	50 ft	50 ft
B. Rear Setback	5 ft	5 ft	30 ft	30 ft	30 ft	30 ft
C. Other Standards	See Below (1,3)	See Below (1, 2)	See Below (1, 2)	See Below (1,2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION						
A. Parking Location per Section 7.2.3	See Chart 7.2	See Chart 7.2		Per building type	Per building type	Per building type
B. Parking in Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT						
A. Principal Building (max)	35 ft	35 ft	35 ft	35 ft or 3 stories (whichever is greater)	35 ft or 3 stories (whichever is greater)	50 ft
B. Accessory Structure (max)	2 stories	2 stories	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	n/a	n/a	n/a	n/a	1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback

1. Accessory structures over 600 sf must comply with principal setback requirement.
2. No accessory structures may be located on corner lots between the street and wall line of the principal structure.
3. No accessory structures may be located on corner lots between the street and wall line of the principal structure, unless front setback requirements are provided on both streets.
4. For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
5. Any development/subdivision connected to both public water and sewer shall utilize the alternate dimensional standards given in the table.

STANDARD	Institutional (INS)	Open Space Preservation (OSP)	Light Industrial (LI)	Heavy Industrial (HI)	Mining (M)
1. DEVELOPMENT STANDARDS					
A. District/Development Area (min)	10,000 sf	n/a	2 acres*	6 acres	20 acres
B. Development/District Exterior Setback/Buffer	30 ft setback from adjacent AR, RR, RN, MH, LDR, MDR, HDR, OSP Districts. 10 ft setback from all other adjacent properties and adjacent streets.	n/a	25 ft setback from adjacent RB and GB Districts. 50 ft setback from all other adjacent properties and adjacent streets.	75 ft setback from adjacent RB and GB Districts. 150 ft setback from all other adjacent properties and adjacent streets. See Below (4)	75 ft setback from adjacent RB and GB Districts. 150 ft setback from all other adjacent properties and adjacent streets. See Below (4)
C. Density (max)	n/a	n/a	n/a	n/a	n/a
D. Open Space (min)	6%	n/a	n/a	n/a	n/a
E. Park Space (min)	n/a	n/a	n/a	n/a	n/a
2. LOT STANDARDS					
A. Lot Area (min)	10,000 sf	n/a	n/a	n/a	n/a
B. Lot Width at Front Setback (min)	100 ft	n/a	n/a	n/a	n/a
C. Pervious Surface (min)	n/a	n/a	n/a	n/a	n/a
3. PRINCIPAL BUILDING					
A. Principal Front Setback (min)	40 ft (3)	n/a	40 ft (3)	50 ft (3)	50 ft (3)
B. Street Side/Secondary Front Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
C. Side (from adjacent lot) Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
D. Rear Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
E. Other Standards	See Below (3)	See Below (3)	See Below (3)	See Below (3)	See Below (3)
4. ACCESSORY STRUCTURE					
A. Side Setback	5 ft	n/a	5 ft	5 ft	5 ft
B. Rear Setback	5 ft	n/a	5 ft	5 ft	5 ft
C. Other Standards	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION					
A. Parking Location per Section 9.3	7.2.3		7.2.3	7.2.3	7.2.3
B. Parking in Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT					
A. Principal Building (max)	50 ft	35 ft	50 ft	50 ft	60 ft
B. Accessory Structure (max)	35 ft	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	1 ft additional height permitted with each 2 ft horizontal setback		1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback

1. Accessory structures over 600 sf must comply with principal setback requirement.
2. No accessory structures may be located on corner lots between the street and wall line of the principal structure.
3. For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
4. The Development/District Exterior Setback/Buffer shall not apply between adjacent LI and HI districts. A waiver of these requirements may be granted by the Administrator for LI and HI lots existing at the adoption date of this ordinance which do not meet the specified minimum District/Development Area. In such instances the building setback standards for the AR District shall apply. A waiver of these requirements may also be granted by the Administrator in order to permit access to an adjacent railroad right-of-way.

5. Subject to approval by the Fire Marshal Office, the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, tanks, equipment, conveyors, flagpoles, masts, and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). With the exception of water towers, observation towers, transmission towers, and antennas, in no instance shall a non-habitable structure exempted under this section exceed a height of 90-ft or 70-ft when located within 100 feet of a residential use or district. Said height exemption for non-habitable structures shall also apply to the UDO Chapter 3 MX Districts subject to Fire Marshal Office approval. See Section 4.2.1, McWhirter Field Aviation Overlay District, and Chapter 5, Use Regulations, for additional height limitations related to airports zones and communications towers. (Ord. No. 2019-1608, 11.12.19)

Note: For Mixed Use Zones, where form determines site design, minimum front setbacks range from 0 ft - 15 ft. Mixed use design standards require mixed use structures to be built up to the street; others have 5 - 15 ft setbacks. Code citations below:

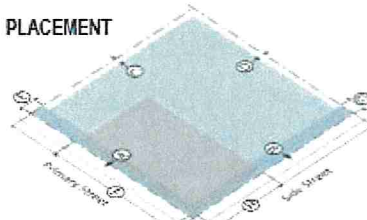
3.6 BUILDING TYPE DEVELOPMENT STANDARDS

3.6.1 MIXED USE BUILDING

A. LOT



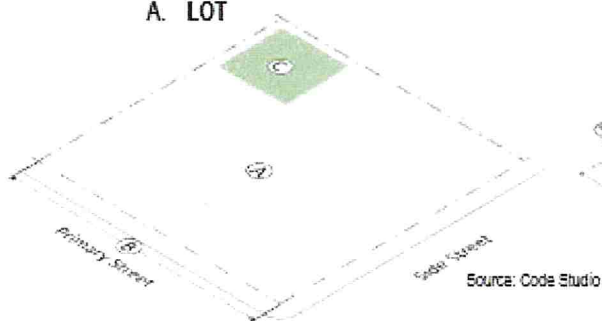
B. PLACEMENT



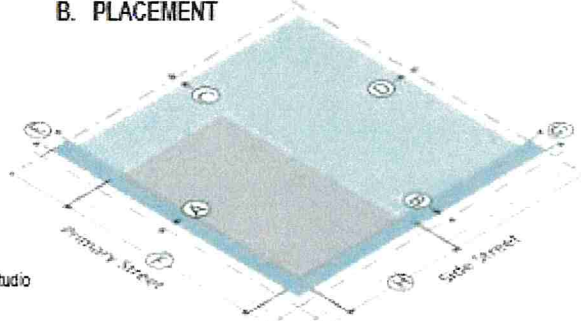
Lot Dimensions		Building Setbacks		
A	Lot area (min)	5,000 SF	A Primary street (min)	0'
B	Lot width (min)	50'	B Side street (min)	0'
Lot Parameters		C Side interior (min)	0' or 5'	
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min)	10'

3.6.2 GENERAL BUILDING

A. LOT



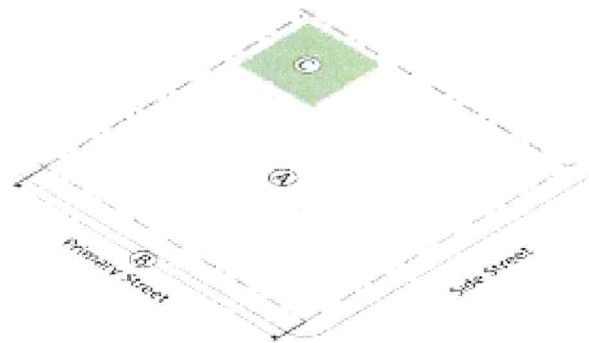
B. PLACEMENT



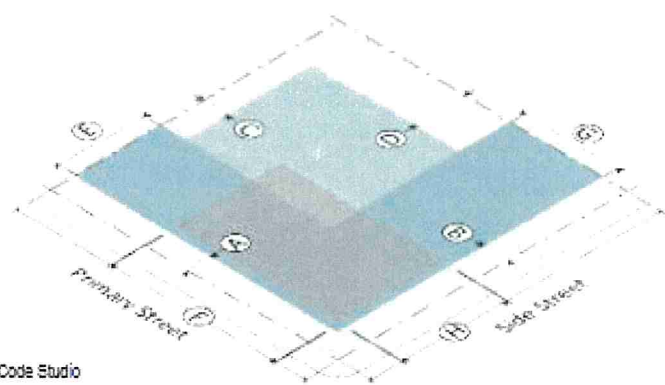
Lot Dimensions		Building Setbacks		
A	Lot area (min)	5,000 SF	A Primary street (min)	5'
B	Lot width (min)	50'	B Side street (min)	5'
Lot Parameters		C Side interior (min)	0' or 5'	
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min)	10'

3.6.3 CIVIC BUILDING

A. LOT



B. PLACEMENT

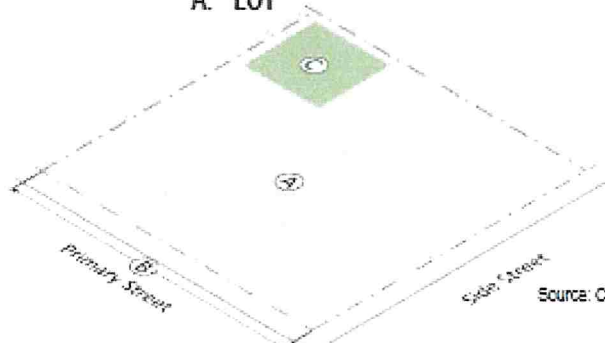


Source: Code Studio

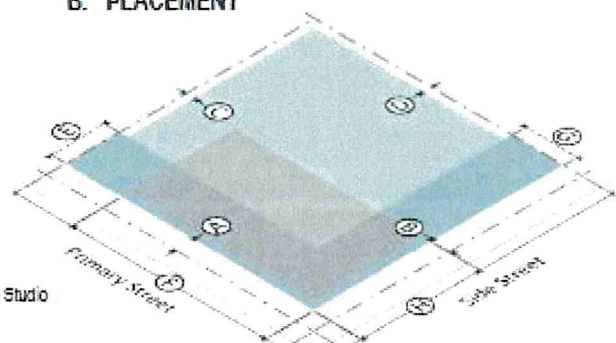
Lot Dimensions		Building Setbacks		
A	Lot area (min)	5,000 SF	A Primary street (min)	10'
B	Lot width (min)	50'	B Side street (min)	10'
Lot Parameters		C Side interior (min)	10'	
C	% of outdoor amenity space (min)	10%	D Rear (min)	20'

3.6.4 APARTMENT BUILDING

A. LOT



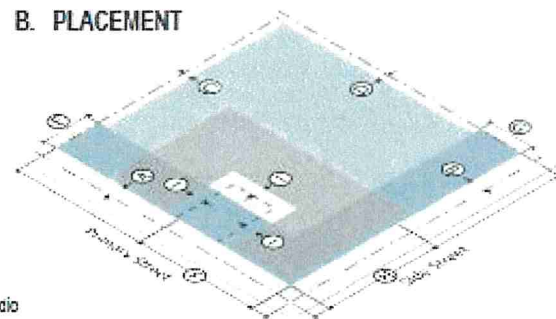
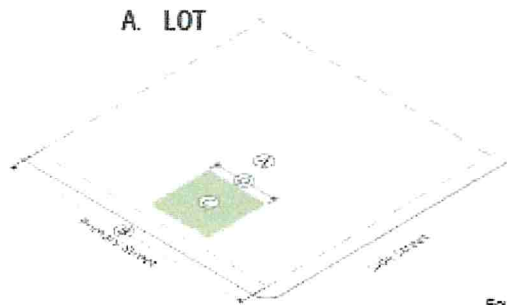
B. PLACEMENT



Source: Code Studio

Lot Dimensions		Building Setbacks		
A	Lot area (min)	12,500 SF	A Primary street (min)	10'
B	Lot width (min)	100'	B Side street (min)	10'
Lot Parameters		C Side interior (min)		0' to 5'
C	% of outdoor amenity space (min)	10%	C Side interior, abutting protected district, RMX or UR (min)	10'

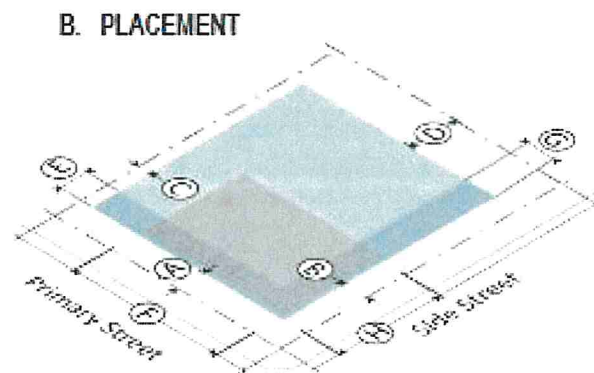
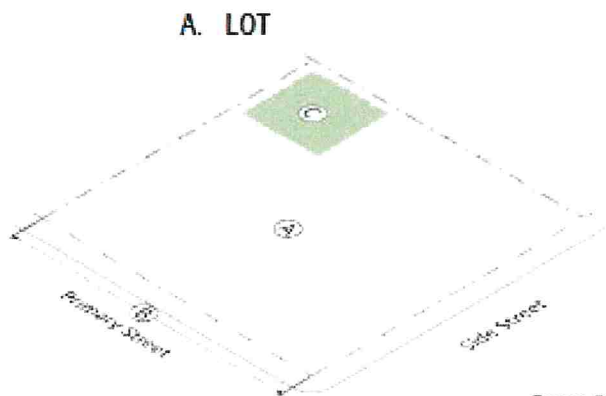
3.6.5 APARTMENT COURT



Source: Code Studio

Lot Dimensions			Building Setbacks	
A	Lot area (min)	30,000 SF	A Primary street (min)	10'
B	Lot width (min)	150'	B Side street (min)	10'
Courtyard Dimensions			C Side interior (min)	0' or 5'
			C Side interior, abutting protected district, RMX or UR (min)	10'
C	Area (min)	2,000 SF	C Side interior, abutting protected district, RMX or UR (min)	10'
C	% of outdoor amenity space (min)	10%	D Rear (min)	0' or 5'
D	Width (min)	45'	D Rear, abutting protected district, RMX or UR (min)	20'

3.6.6 GARDEN APARTMENT

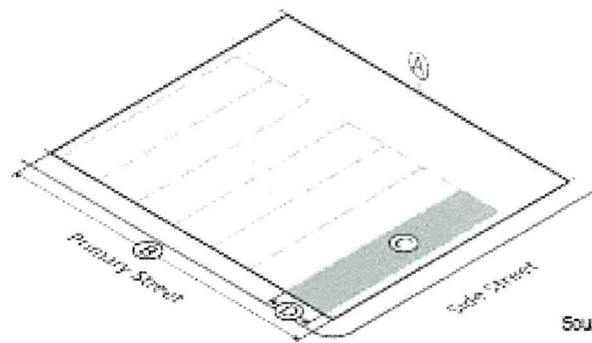


Source: Code Studio

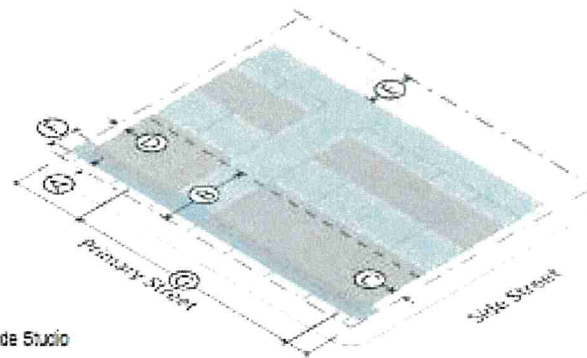
Lot Dimensions			Building Setbacks		
A	Lot area (min)	12,500 SF	A	Primary street (min)	10'
B	Lot width (min)	100'	B	Side street (min)	10'
Lot Parameters			C	Side interior (min)	5'
C	% of outdoor amenity space (min)	10%	C	Side interior, abutting protected district or UR (min)	10'
D	Dwelling units per building (max)	12	D	Rear (min)	20'

3.6.7 STACKED FLAT

A. LOT



B. PLACEMENT

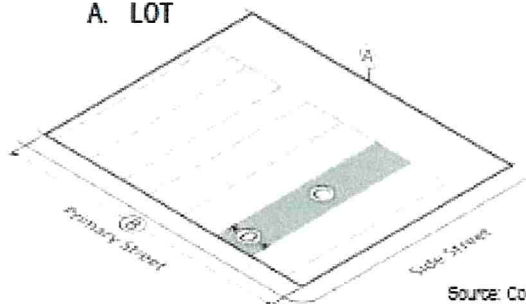


Source: Code Studio

Site Dimensions		Building Setbacks	
A	Site area (min)	12,500 SF	A Primary street - principal building (min) 5'
B	Site width (min)	100'	B Primary street - accessory structures (min) 40'
Lot Dimensions		C	Side street (min) 5'
C	Lot area (min)	D	Side interior, end unit only (min) 5'
D	Unit width (min/max)	D	Side interior, abutting protected district, RMX or UR (min) 10'

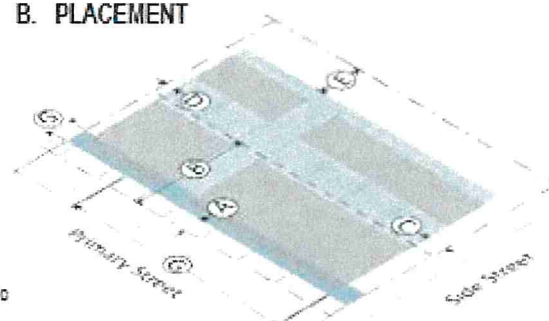
3.6.8 TOWNHOUSE

A. LOT



Source: Code Studio

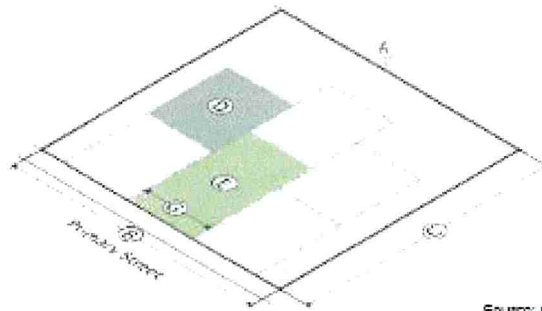
B. PLACEMENT



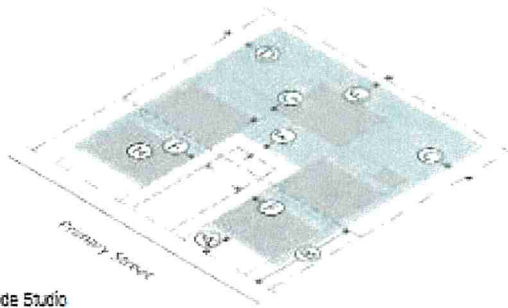
Site Dimensions		Building Setbacks	
A	Site area (min)	10,000 SF	A Primary street - principal building (min) 5'
B	Site width (min)	100'	B Primary street - accessory structures (min) 40'
Lot Dimensions		C	Side street (min) 10'
C	Lot area (min)	D	Side interior, end unit only (min) 5'
D	Unit width (min/max)	D	Side interior, abutting protected district, RMX or UR (min) 10'
E	RMX: Dwelling units per building (max)	6	E Rear (min) 20'

3.6.9 COTTAGE COURT

A. LOT



B. PLACEMENT

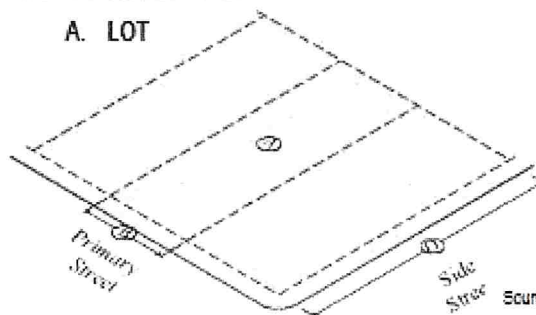


Source: Code Studio

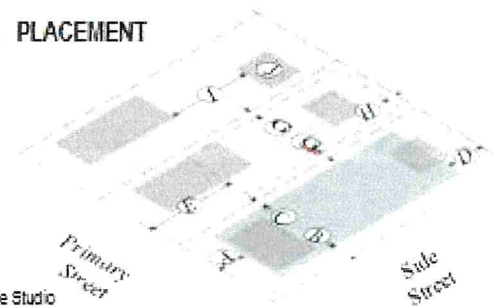
Site Dimensions		Building Setbacks	
A	Site area (min)	22,500 SF	A Primary street - principal buliding (min) 15'
	Site area per detached house (min)	4,500 SF	B Primary street - accessory structures (min) 30'
	Detached houses per site (max)	9	C Side street (min) 10'
B	Site width (min)	150'	D Side interior (min) 7.5'
C	Site depth (min)	150'	E Rear (min) 10'

3.6.10 DETACHED HOUSE

A. LOT



B. PLACEMENT

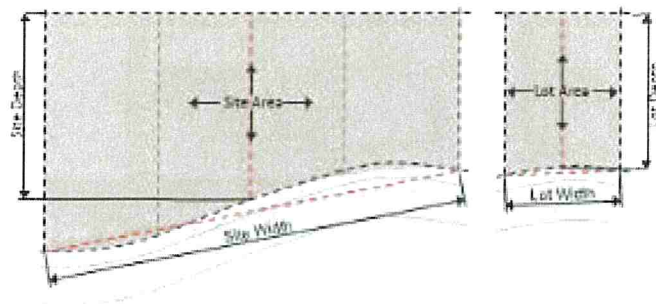


Source: Code Studio

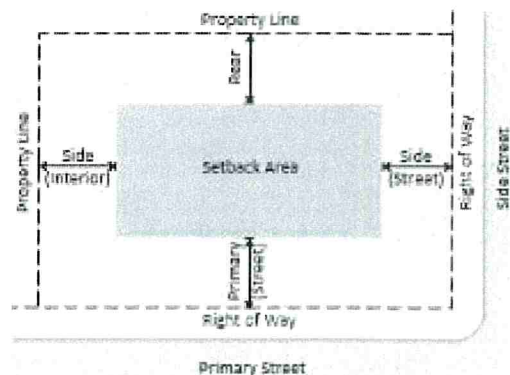
Lot Dimensions		Principal Building Setbacks	
A	Lot area (min)	7,500 SF	A Primary street (min) 15'
A	Lot area - rear loaded (min)	5,000 SF	B Side street (min) 10'
B	Lot width (min)	50'	C Side interior (min) 7.5'
B	Lot width - rear loaded (min)	40'	D Rear (min) 20'
C	Dwelling units per lot (max)	1	D Abutting alley 4' or 20' min

3.8 RULES FOR ALL BUILDING TYPES

A. Site



B. Lot



Source: Code Studio

C. Building Setbacks

1. Generally: There are 4 types of setbacks – primary street, side street, side interior, and rear.
2. Measurement of Building Setbacks
 - i. Primary and side street setbacks are measured from the edge of the right-of-way.
 - ii. Side interior setbacks are measured from the side property line.
 - iii. When the side interior setback is 0 or 5 feet, the building or structure must be placed on the side property line or be placed a minimum of 5 feet from the side property line.
 - iv. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
 - v. When the rear setback is 4 or 20 feet, the building or structure must be placed exactly 4 feet from the rear property line or be placed a minimum of 20 feet from the rear property line.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1844

Contact Person / Sponsor: Ginny L. Merck-Dupont / County Attorney

Department: Attorney

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Whether to grant an easement to Duke Energy Carolinas, LLC ("Duke Energy") for the purpose of providing electrical service and communication lines to 1112 Elliott Street.

Duke Energy received a request for service to the property adjacent/near the County's property, the Laurie Brice Soccer Field. In order to provide service to the requesting customer, Duke Energy will need to obtain a new easement agreement from the County to install facilities across County property located at 1140 Elliott Street. An easement is needed from the County to allow Duke Energy to install, maintain and access the facilities.

Points to Consider:

The easement agreement is Exhibit A to Ordinance 2023-1844.

Parks and Recreation Director, Chris Clouden, has seen the easement map and has stated that the easement will not interfere with anything at the field because the easement itself is out of the way and that the field is not being utilized right now.

Funding and Liability Factors:

There are no funding issues in regards to the easement.

Recommendation:

Approve the easement agreement.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2023-1844	4/4/2023	Ordinance
Exhibit A to Ordinance 2023-1844 - Easement	4/6/2023	Exhibit
Easement Map	3/29/2023	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2023 - 1844

AN ORDINANCE

TO APPROVE AN EASEMENT GRANT TO DUKE ENERGY CAROLINAS, LLC UPON REAL PROPERTY OWNED BY LANCASTER COUNTY AND LOCATED AT 1140 ELLIOTT STREET BEARING TAX PARCEL NUMBER 0082D-0K-020.00 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENTS AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

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

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County (the “County”) owns land at tax parcel number 0082D-0K-020.00.
- (2) To provide appropriate power infrastructure to an adjacent property, Duke Energy Carolinas, LLC (“Duke Energy”) wishes to provide both overhead and underground facilities across the County’s property, allowing Duke Energy to provide the transmission and distribution of electrical energy for the purpose related to the operation of the electric facilities and for communication purposes of Incumbent Local Exchange Carriers (“Facilities”).
- (3) Duke Energy requires a strip of land thirty feet (30’) in uniform width for the overhead portion of said Facilities and a strip of land twenty feet (20’) in uniform width for the underground portion of said Facilities, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10’) wide on all sides of the foundation of any of Duke Energy’s enclosure/transformer, vault and/or manhole.
- (4) The County desires to grant utility easements rights over a portion of the County property so Duke Energy may construct and maintain overhead and underground electrical facilities.
- (5) The easement grant is in the best interest of the County and is in furtherance of the development and improvement of a county asset, the new soccer complex on Harrisburg Road.
- (5) It is the purpose of this ordinance to approve the easement grant from the County to Duke Energy.

Section 2. Approval of right-of-way easements.

Council authorizes and approves the grant of the easements to Duke Energy for the construction, management, and maintenance of an underground and overhead electrical facilities over and upon Tax Map No. 0082D-0K-020.00 as described in Section 1.

The form of the Easement instrument is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the easements are incorporated herein by reference as if the easements were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Easement instrument on behalf of the County. By adoption of this ordinance, Council approves the easement instrument and all its terms, provisions and conditions. The easement instrument is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the easement instrument, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement instrument attached to this ordinance.

Section 3. Authority to act.

The Council Chair, the Clerk to Council, the County Administrator, and County Attorney each are authorized to take such actions and to execute such documents as may be necessary to effectuate 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. Conflicting 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 _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: April 11, 2023
Second Reading: April 24, 2023
Public Hearing: April 24, 2023
Third Reading: May 8, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

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Exhibit A to Ordinance No. 2023-1844

**Duke Energy Right of Way -Elliot Street Easement Agreement
Lancaster County to Duke Energy Carolinas, LLC**

Tax Map No. 0082D-0K-020.00

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Prepared by: Duke Energy Carolinas, LLC
Return To: Duke Energy Carolinas, LLC
Attn: Marie Laine
PO Box 6318
High Point, NC 27262

Parcel # 0082D-0K-020-00

EASEMENT

State of South Carolina
County of Lancaster

THIS EASEMENT ("Easement") is made this ____ day of _____, 20____, from **LANCASTER COUNTY, a politic of the state of South Carolina ("Grantor"**, whether one or more), to **DUKE ENERGY CAROLINAS, LLC**, a North Carolina limited liability company ("**Grantee**").

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, "**Facilities**").

Grantor is the owner of that certain property described in that instrument recorded in **Deed Book S6, Page 7-8**, also shown on a Plat", as recorded in **Plat No. 6438** Lancaster County Register of Deeds ("**Property**").

The Facilities may be both overhead and underground and located in, upon, over, along, under, through, and across a portion of the Property within an easement area described as follows:

A strip of land thirty feet (30') in uniform width for the overhead portion of said Facilities and a strip of land twenty feet (20') in uniform width for the underground portion of said Facilities, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10') wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the "Easement Area").

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.

3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area.
5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
8. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and adjoining lands. Portions of the Facilities may be installed immediately, and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations.
9. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20____.

Witnesses:

**LANCASTER COUNTY, a politic of the state
of South Carolina**

(Witness #1)

Dennis E. Marstall, Lancaster County
Administrator (SEAL)

(Witness #2)

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that Dennis E. Marstall, as Lancaster County Administrator of LANCASTER COUNTY, a politic of the state of South Carolina, personally appeared before me this day and acknowledged the due execution of the forgoing EASEMENT.

Witness my hand and notarial seal, this ____ day of _____, 20____.

Notary Public: _____

Commission Expires: _____

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1847 / Planning Case Number: RZ-2023-0215

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Application by Richard F. Duncan to rezone approximately 1.206 acres, located at 3867 Pageland Highway (p/o TM 0059-00-058.00) from Rural Residential (RR) to Rural Business (RUB) district, in order to remedy non-conformity of existing business on site and allow minor subdivision of property.

Points to Consider:

Richard F. Duncan has operated his business, the Duncan Auto Service LLC on the same parcel of land that his residence is located on off Pageland Highway since at least the early 1990's. When he wanted to divide his business from his home, he didn't realize that his business was a nonconforming use. He wanted to resolve this issue since he is getting close to retirement and may want to sell the business.

Funding and Liability Factors:

The ordinance would remove the auto service nonconformity, allowing Mr. Duncan to continue to operate his business and, if needed, repair it after a storm.

Recommendation:

The Planning Commission recommended unanimous approval of the proposed rezoning during their April meeting.

Staff also recommends approval.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance No. 2023-1847	5/1/2023	Ordinance
Staff Report	4/11/2023	Exhibit
Application	3/21/2023	Exhibit
Proposed Plat	3/21/2023	Exhibit
Location Map	4/12/2023	Exhibit
Public Hearing Notice for Ordinance 2023-1847 (Planning Department Case Number: RZ-2023-0215)	4/21/2023	Public Hearing Notices

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2023- 1847

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE APPROXIMATELY 1.206 ACRES (PORTION OF TM0059-00-058.00) LOCATED AT 3867 PAGELAND HWY, FROM RURAL RESIDENTIAL (RR) DISTRICT TO RURAL BUSINESS (RUB) DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Richard F. Duncan applied to rezone a 1.206 acre, more or less, portion of real property (TM# 0059-00-058.00) owned by him located at 3867 Pageland Hwy, from Rural Residential (RR) District to Rural Business (RUB) District.

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

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

Section 2. Rezoning.

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

Tax Map No. (0059-00-058.00) – 1.206-acre portion

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 of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: May 8, 2023
Second Reading: May 22, 2023
Third Reading: June 12, 2023
Public Hearing: May 8, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

PROPOSAL: Request to rezone 1.206 acres of property out of a 20.573-acre tract

PROPERTY LOCATION: 3867 Pageland Highway (part of TM 0059-00-058.00)

CURRENT ZONING DISTRICT: Rural Residential (RR) District

PROPOSED ZONING DISTRICT: Rural Business (RUB) District

APPLICANT: Richard F. Duncan

COUNCIL DISTRICT: District 3 Billy Mosteller

STATUTORY NOTICES: Sign posted 3/31/2023
Hearing notice published 4/1/2023 in The Lancaster News
Mailed notices 3/31/2023
Posted agenda in lobby 4/11/2023

OVERVIEW:

Proposal

The applicant has requested to rezone a 1.206-acre portion of his property on Pageland Hwy. The intent is to separate a nonconforming automotive business use (addressed as 3867 Pageland Hwy) from the larger tract, which holds a residence (addressed as 1370 Burke Duncan Road). The 1.206-acre tract shown in Attachment 2 is proposed to be subdivided out of the parent parcel following the rezoning.

Site Information

The 20.573-acre parent parcel is currently used as residential and commercial simultaneously. The business that is located on the property is a minor maintenance and repair facility known as *Duncan's Auto Service LLC*. The owner of the property wishes to divide the existing business from his residential property so that he can sell or distribute them separately. The proposed 1.206-acre portion of the parent tract will hold the auto service business, and the remaining tract will hold the residence. Access to the business will be off Pageland Hwy, and access to the residence will be from Burke Duncan Rd.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by RR zoned properties. On Pageland Highway, there is an RUB parcel within .5 miles to the west, and another adjoining the existing parcel.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RR	Residential/Agricultural
South	Lancaster County	INS, RR	Church; Residential
East	Lancaster County	RR	Residential
West	Lancaster County	RUB, RR, MH	Gas Station/Convenience Store, Residential, Manufactured Housing

ANALYSIS & FINDINGS:

Zoning Districts

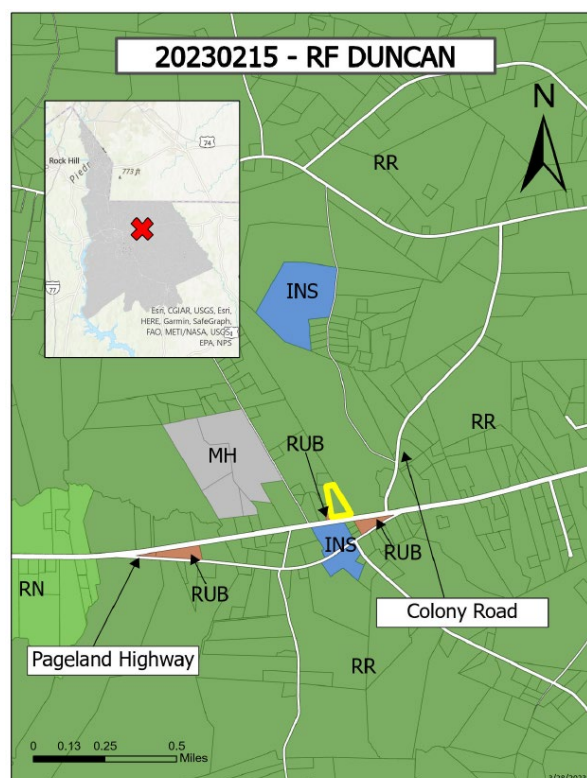
As previously noted, the subject property is currently in the RR District. Pursuant to UDO Chapter 2.3, the RR District "... is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings."

Requested RUB

UDO Chapter 2.3 describes the requested RUB District as "... established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population."

Compatibility with Surrounding Area

As noted previously, the subject property is predominately surrounded by the RR District. The surrounding uses are primarily residential in nature. On Pageland Highway, there is an RUB parcel within .5 miles to the west (Dixie Food Mart), and another approximately 250 yards to the east (small commercial strip with 4 units.)



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

Non-Conformance Status

The property currently supports both a residential and a commercial use. If the rezoning were to be approved (changing the zoning district for the Pageland Highway commercial use to RUB) then the tract

could then be subdivided to separate the business from the residential use, resolving the existing non-conformity.

RELATIONSHIP TO PUBLIC PLANS

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

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

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

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

INFRASTRUCTURE CONSIDERATIONS

Transportation

There are no issues with traffic generated from this request at this time. If a commercial use were to move on to this property which would create more than 50 peak hour trips to or from this location a TIA would be required as part of their site plan submittal.

Public Utilities

Water is currently serving this site, there is a septic tank on site as well. The home located at 1370 Burke Duncan Road has its own septic system.

Public Schools

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

PHOTOS OF PROJECT AREA:



facing North on Pageland Highway- business on site at 3867 Pageland Hwy



Facing Out from Subject Parcel, Looking South Across Pageland Hwy



Facing West on Pageland Highway



Facing East on Pageland Highway

STAFF RECOMMENDATION:

Staff recommends **approval** of the request to rezone 1.206 acres (part of TM 0059-00-058.00) from Rural Residential (RR) District to Rural Business (RUB) District, pursuant to the following findings of fact:

1. That the subject project consists of the following parcel: part of TM 0059-00-058.00;
 2. That the subject property is currently zoned RR District and proposed to be rezoned RUB 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 RUB District is generally consistent with the surrounding area which is comprised of RR, MH, INS and RUB Districts.
 5. The proposal brings conformity to an existing nonconforming use.
-

ATTACHMENTS:

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

STAFF CONTACT:

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

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 3867 Pageland Hwy Portions
City Lancaster State SC Zip 29720 Tax Parcel ID 0059-00-058-00
Current Zoning RR Current Use Auto Minor Motocross
Proposed Zoning RUB Total Acres 1.206
Project Description Conforms to Current Unified Development

Surrounding Property Description CONVIENE STORE - FARM LAND

CONTACT INFORMATION

Applicant Name Richard F Duncan
Address 1370 Burke Duncan Rd
City Lancaster State SC Zip 29720 Phone 803-246-0055
Fax _____ Email DUNCANS AUTO @ COMPROMISE . NET
Property Owner Name Richard F Duncan
Address 1370 Burke Duncan Rd
City Lancaster State SC Zip 29720 Phone 803-246-0055
Fax _____ Email DUNCANS AUTO @ COMPROMISE . NET

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.

Rubel F. Brown
Applicant

2-21-23
Date

Rubel F. Brown
Property Owner(s)

2-21-23
Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS 1. Submit Application

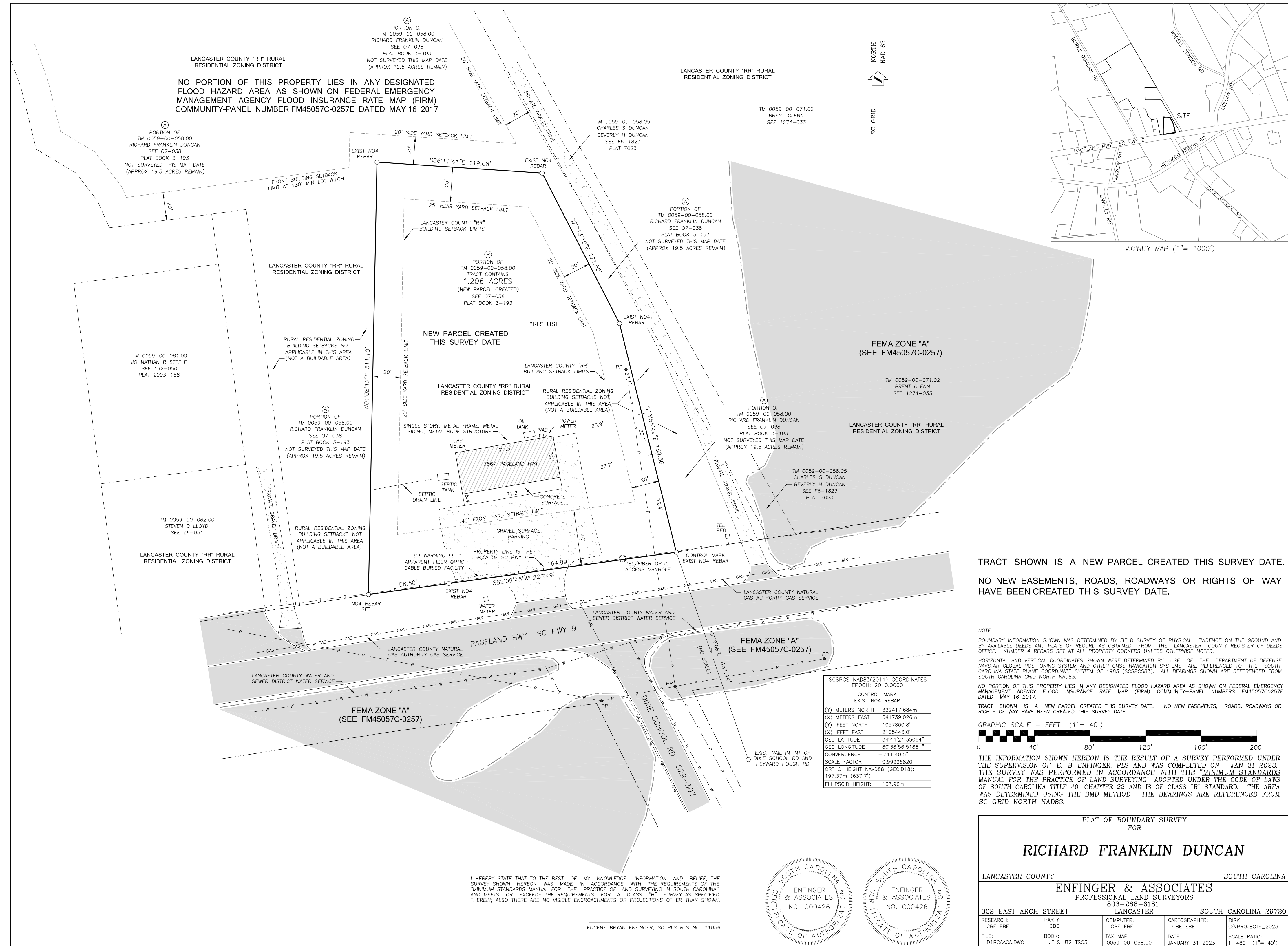
- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and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

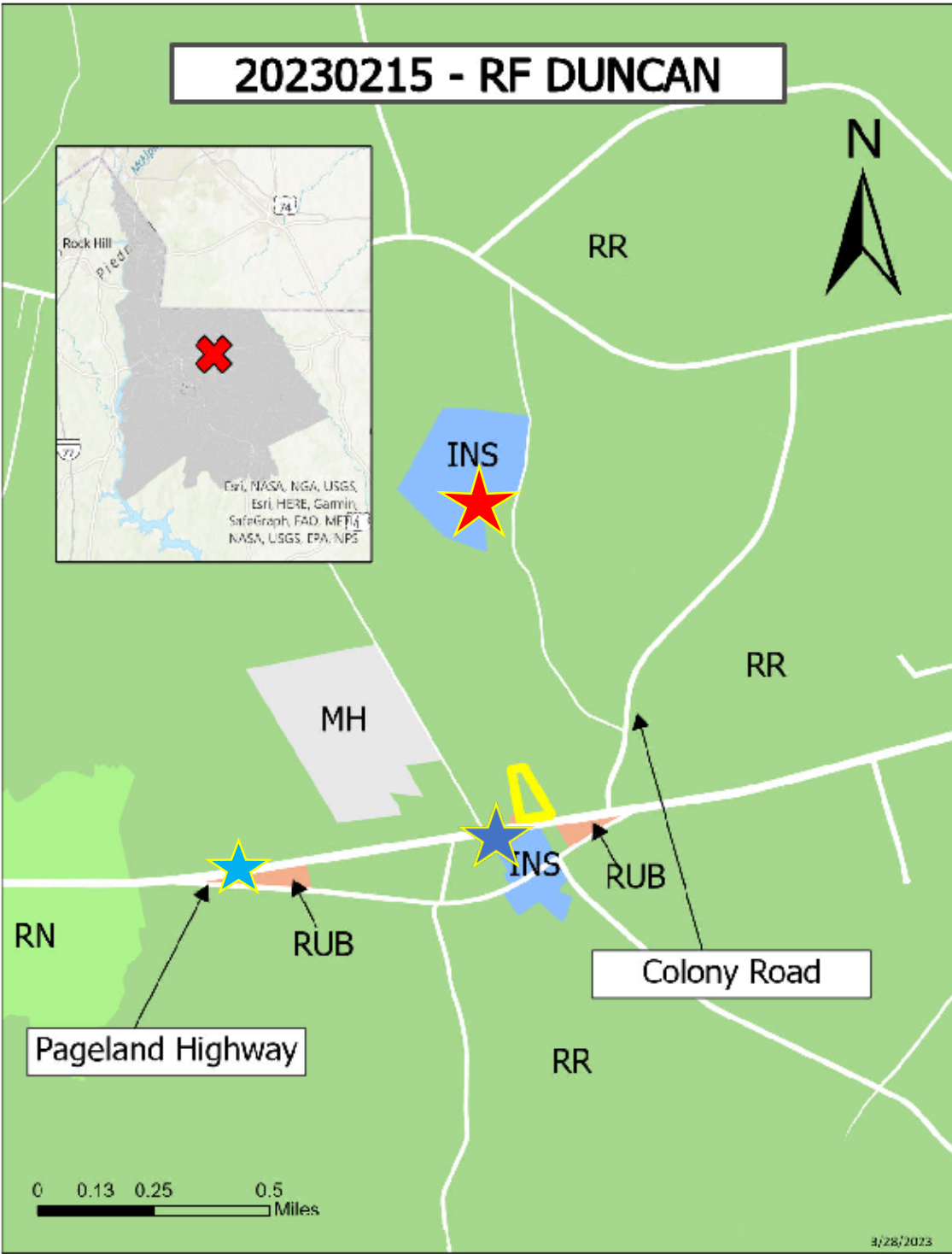
2. Planning Commission

- 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.





Subject Property



Hopewell United Methodist



Greater New Hope
Christian Association



Dixie Food Mart

Proposal:
Rezoning: RR to RUB

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 18, 2023, and Monday, May 8, 2023, respectively. The public hearings will take place at 6:00 PM at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. CU-2022-2541: Application by YDG Doby's Bridge Land, LLC for a Conditional Use permit for Auto: Minor Maintenance & Repair at the intersection of Doby's Bridge and Highway 521 (TM 0013-00-018.11) to develop an oil-change facility (a/k/a Valvoline).

2. RZ-2023-0215: Application by Richard F. Duncan to rezone approximately 1.206 acres, located at 3867 Pageland Highway (p/o TM 0059-00-058.00) from Rural Residential (RR) to Rural Business (RUB) district, in order to remedy non-conformity of existing business on site and allow minor subdivision of property.

The following items only require one public hearing before the Lancaster County Planning Commission on Tuesday, April 18, 2023 at the Lancaster County Administrative Building located at 101 N. Main Street, Lancaster, SC.

1. SD-2021-2450: Application by Eastwood Homes and Jane Pettus for approval of a Preliminary Plat for three parcels totaling approximately 61.24 acres located at or adjacent to #10925 and #10822 Pettus Farm Road and Old Pettus Place, respectively, (TMs 0003-00-051.00, 0003-00-052.00, and 0003-00-052.06), for a single-family residential development of 99 lots (a/k/a Pettus Pond).

2. RN-2023-0530 : ROAD NAME APPROVALS: Pursuant to SC Code Title VI, Section 6-29-1200, the list of existing street names in Lancaster County will be presented for review and approval by the Planning Commission. A full list of the street names is available via <https://www.mylancastersc.org/> or in the Lancaster County Planning Office, 101 N Main St, Lancaster, SC.

The following item will be heard by the Lancaster County Planning Commission on Tuesday, April 18, 2023, at 6:00 PM at the Lancaster County Administrative Building; and by the Kershaw Town Council on Monday, May 15, 2023 at 7:00 PM, 113 S. Hampton Street, Kershaw.

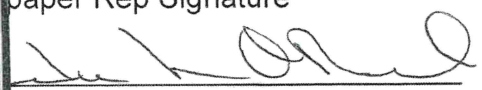
1. RZ-2023-0503; Application by John T. Stevens Foundation to rezone approximately .78 acres at and adjacent to 502 N. Matson Street, Kershaw SC (TM#0156H-0K-005.00) from R15 Residential to B1 Central Business, to allow redevelopment of former library as office space for the Foundation.

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. At the public hearing and any

ished in The Lancaster News,
rolina, in accordance with

paper Rep Signature



The Lancaster News

980 N Woodland Drive
PO Box 640
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803-283-1133

PUBLIC HEARING NOTICE

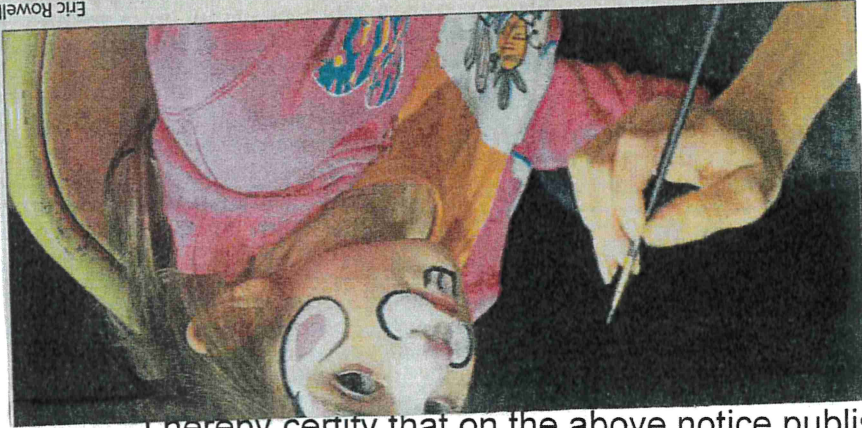
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Come hunt eggs

Elia Gleaton gets her face painted at the 2022 Rosie's Easter Bash at the American Legion Post 31 in Lancaster. This year's event is April 8.



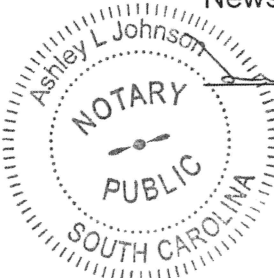
I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on April 1st 2023.

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

Ashley L Johnson
Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature



CAROLINA GATEWAY

PUBLIC HEARING NOTICE

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

published in the Carolina
a, in accordance with law

Spaper Rep Signature

Kristi Rose

CAROLINA GATEWAY

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Wesley Financial Group, LLC
Timeshare Cancellation Ex-
perts. Over \$50,000,000 in
timeshare debt and fees can-
celled in 2019. Get free in-
formational package and
learn how to get rid of your
timeshare! Free consulta-
tions. Over 450 positive re-
views. Call 800-339-6862 or
www.Life55plus.info/scan

TEED Life Insurance No med-
ical exam or health questions.
Cash to help pay funeral and
other final expenses. Call Phys-
icians Life Insurance Company
- 855-837-7719 or visit
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Call 803-289-2609 OR
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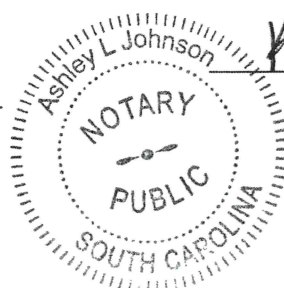
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yahoo.com
Facebook: Shamrock Bingo
Lancaster

I hereby certify that on the above notice published in the Carolina Gateway in Lancaster County, South Carolina, in accordance with law on April 5th 2023.

SWORN to before me this 5th day of April, 2023

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

Newspaper Rep Signature



Kristi Rose

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Whether to appoint Ann Christie to the Historical Commission as the District 6 representative. If reappointed, she would be filling her first four year term that would end on 06/30/2027.

Whether to appoint Tim Hammond to the Historical Commission as the District 2 representative. If reappointed, he would be filling his first four year term that would end on 06/30/2027.

Whether to appoint Ronald S. Patton to the Historical Commission as an Advisor. He currently serves as the District 4 representative; however, due to redistricting, a new District 4 representative will be appointed. Therefore, Mr. Patton would like to move to the open advisor position on the Commission and continue his service. If appointed as an advisor, he would fill an unexpired term that would end on 06/30/2023 AND would filling a four year term that would expire on 06/30/2027.

Whether to appoint Demetra Cornwell to the Historical Commission as the new District 4 representative. If appointed, she will be filling an unexpired term that would end on 06/30/2023 AND would be filling her first four year term that would expire on 06/30/2027.

Whether to appoint Deborah Cureton to the Library Board as an At Large representative. If reappointed, she would be filling her second four year term that would end on 06/30/2027.

Whether to appoint T. Yokima Cureton to the Planning Commission as the District 2 representative. If appointed, she will be filling an unexpired term that would end on 06/30/2023 AND would be filling her first four year term that would expire on 06/30/2027.

Points to Consider:

Ann Christie's, Tim Hammond's, Ronald S. Patton's, Demetra Cornwell's, Deborah Cureton's, and T. Yokima Cureton's applications are attached for Council's review and consideration.

Funding and Liability Factors:

N/A

Recommendation:

Approve the appointments.

ATTACHMENTS:

Description	Upload Date	Type
Application from Ann Christie for the Historical Commission	4/28/2023	Backup Material
Application from Tim Hammond for the Historical Commission	4/28/2023	Backup Material
Application from Ronald Patton for the Historical Commission	5/1/2023	Backup Material
Application from Demetra Cornwell for the Historical Commission	5/1/2023	Backup Material
Application for Deborah Cureton for the Library Board	5/1/2023	Backup Material
Application from T. Yokima Cureton for the Planning Commission	5/1/2023	Backup Material

**LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE**

Name ANN H. CHRISTIE County Council District 6

Mailing Address _____ City/Zip HEATH SPRINGS, SC 29058

Street Address _____ Registered Voter yes ☒ no ☐

Tel. Number (home) _____ (work) N/A (other) _____

Email: _____

Occupation Retired Place of employment Retired

Address _____ Normal working hours _____
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Historical Commission 2nd choice _____

3rd choice _____

Reason for interest

Currently serving first term on the Historical Commission, holding the office of Secretary.

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

I wish to continue my commitment to the preservation of Lancaster County history and public education about that history through the Historic Courthouse Museum and Historical Commission's events and programs.

Do you presently serve any State, County or Municipal Boards? No If yes, list _____

Have you ever served on a county board? Yes If yes, list Historical Commission

Additional pertinent information

Applicant's signature Ann H. Christie Date 4/13/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

LANCASTER COUNTY BOARDS & COMMISSIONS APPLICATION FOR SERVICE



Name Tim Hammond County Council District _____

Mailing Address _____ City/Zip Lancaster SC 29720

Street Address _____ Registered Voter yes x no _____

Tel. Number (home) _____ (work) _____ (cell) _____

Email: _____

Occupation Retired Place of employment _____

Address _____ Normal working hours _____
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

1st choice Historical Commission 2nd choice _____

3rd choice _____

Reason for interest Currently serving on the commission and this application is for renewal of my term.

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

Do you presently serve any State, County or Municipal Boards? _____ If yes, list _____

Have you ever served on a county board? _____ If yes, list _____

Additional pertinent information _____

Applicant's signature Tim Hammond Date 4/22/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721
Form Revised 1-20-17

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name RONALD S. PATTON County Council District _____

Mailing Address _____ City/Zip LANCASTER 29720

Street Address _____ Registered Voter yes X no _____

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

Email: _____

Occupation RETIRED Place of employment _____

Address _____ Normal working hours _____
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice HISTORIC COMMISSION 2nd choice _____

3rd choice _____

Reason for interest

LOCAL HISTORY BUFF WITH LOCAL ROOTS

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)
3 YEARS MUSEUM EXPERIENCE, COMPUTER AND CAMERA SKILLS

Do you presently serve any State, County or Municipal Boards? _____ If yes, list HISTORIC

Have you ever served on a county board? YES If yes, list ABOVE - LCHC

Additional pertinent information

Applicant's signature RONALD S. PATTON

Date 4/8/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Demetra CORNWELL County Council District 1

Mailing Address _____ City/Zip 29707

Street Address _____ Registered Voter yes X no _____

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

Email: _____

Occupation Self Place of employment Home

Address _____ Normal working hours 3-6pm
(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 Historical 2nd choice _____

3rd choice _____

Reason for interest

Love of history and historic architectural preservation.
Took a few courses in historic preservation through US dept Of interior

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

I have a deep interest in history, in particular architecture history and preservation of historic landmarks. I have taken a few self-guided/self-study courses on building preservation through dept of parks and dept of interior. I have previously owned a historic property and have a background in art history.

Do you presently serve any State, County or Municipal Boards? No If yes, list N/A

Have you ever served on a county board? No If yes, list N/A

Additional pertinent information

Applicant's signature


eSigned via SeamlessDocs.com

Date 03/13/2023

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29171

**LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE**

Name Deborah B. Cureton County Council District _____

Mailing Address _____ City/Zip Lancaster, SC 29720

Street Address _____ Registered Voter yes^X no _____

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

Email: _____

Occupation retired Place of employment _____

Address _____ Normal working hours _____
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Library 2nd choice _____

3rd choice _____

Reason for interest

As an educator, I value the role of the library as a "community building" asset.

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)
educator, volunteer, avid reader

Do you presently serve any State, County or Municipal Boards? no If yes, list _____

Have you ever served on a county board? yes If yes, list Library

Additional pertinent information

I chaired the library board for several years, fighting for it's renovation and its role as the "den for the community" where citizens can gather to manage change in a way that supports us all.

Applicant's signature Deborah Brown Cureton

Date May 1, 2023

Receipt of application Key: 345d9b47d8330e87ae294bd1c81d55e _____ 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 29781

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name T. Yokima Cureton County Council District 2

Mailing Address _____ City/Zip 29720

Street Address _____ Registered Voter yes^x no

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

Email: _____

Occupation small business owner Place of employment Tacos Ole' Tacos & Catering

Address _____ Normal working hours vary
(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 Planning 2nd choice _____

3rd choice _____

Reason for interest

I am interested in joining the Planning commission because I am passionate about the community and want to have a say in how it's sustainably developed. I believe serving on the commission will give me the opportunity to help shape the future of your Lancaster County and help make a positive impact on the lives of those around me. I am also confident serving can also be a way to challenge myself and develop new skills, working with a diverse group of people and learning how to navigate complex issues.

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)

Here are a few reasons why I believe I am qualified to serve on the Planning commission:

Local knowledge and connection: As a fourth-generation native of Lancaster, I strongly believe I have a deep understanding of the history, culture, and needs of the community. My knowledge of the area and connection to family members and longtime residents who still live in the area are valuable assets when it comes to making informed decisions that benefit the community.

Do you presently serve any State, County or Municipal Boards? ^{no} If yes, list _____

Have you ever served on a county board? ^{no} If yes, list _____

Additional pertinent information

Applicant's signature T. Yokima Cureton Date 4/28/2023
Receipt of application by email an appointment. Applicants will be notified of appointments by mail.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Review list of approved and proposed projects to be funded through American Rescue Plan Act (ARPA) funding.

Points to Consider:

The County has been allocated \$19,037,682 in federal ARPA funds and all those funds have been received and are in a separate account being expended on approved projects or generating interest money.

To date, the County Council has approved 28 projects totaling \$13,988,656

The remaining \$5,049,026 must be obligated (on purchase orders or contracts) by December 31, 2024 and spent by December 31, 2026.

County Administration has presented recommendations for the remaining funding, including six projects, that will be reviewed as part of the agenda item presentation. Those projects include:

- Barnett Building Renovation
- New location for Elections and Voter Registration
- Non-profit community programs
- Park Land Purchase
- Personal Protective Equipment
- Emergency Management Storage Warehouse

The ARPA funding has parameters to primarily address COVID-related impacts that must be reported and approved by the federal government.

One of the parameters does outline that \$10 million used in funds can be towards "general government" projects. The proposed projects will still keep us under that \$10 million threshold, but there have been some instances where the federal government has asked the County and other local governments to reclassify the projects under different categories. If that happens with any of the recommended projects, we should still be within the stipulations outlined for each funding category.

Funding and Liability Factors:

Many of the approved ARPA projects are still underway, such as the Coroner's Office expansion, Sheriff's Evidence Storage Facility, EMS mass transport bus purchase, EMS HQ Ambulance bay addition and others.

Given the fluctuation in pricing on these projects we have to leave some funding to address cost increases, but will look to fully expend the entire \$19.million allocated within the determined timeframe.

Recommendation:

Provide feedback on the proposed list of projects.

ATTACHMENTS:

Description	Upload Date	Type
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- Lancaster County was allocated \$19,037,682
 - \$10 million of that is authorized for general government expenditures
- Currently the Council has approved 28 projects totaling \$14,043,855
- Remaining **\$4,993,797** must be obligated (meaning on purchase orders or contracts) by December 31, 2024 and spent by December 31, 2026. It is important to leave a cushion for potential project overages.

Approved ARPA Projects

Project	Amount Allocated
Admin Building Security Upgrades - IT	63,900
Vendor Software - Procurement	34,435
Camera System for 911 Communications - 911 Communications	50,295
GIS Server Replacement - IT & GIS	43,115
Badge controller for Admin - Administration	34,855
Recreation Parking Lot Reclamation - Recreation	1,100,000
Evidence Building - Sheriff	1,440,000
Replacement Vehicles - Sheriff	676,000
Premium Pay - Multiple Depts.	1,329,800
PAPR Masks - EMS & Coroner	377,927
Glass Barriers - Multiple Depts.	65,000
Temporary Housing Shelter - LACH	334,213
HVAC Unit Replacement - Multiple Depts.	1,310,000
Decontamination Shower - Sheriff	93,000
Wall construction - Sheriff	14,000

Approved ARPA Projects

Project	Amount Allocated
AV Upgrades to Council Chambers - IT & Administration	69,260
Remote Workstations - IT	43,000
County-Wide Network Overhaul - IT	1,895,680
Enhanced Bandwidth & Remote operations - IT & Sheriff	657,375
Digital Records Indexing - Register of Deeds & Assessor	125,000
Fiber Internet Capability - Airport	20,800
Building Expansion - Coroner	1,770,000
Wastewater Project - Hannah's Creek - LCWSD	500,000
EMS HQ Bay Construction - EMS	455,229
Public Defender Office Addition - Clerk of Court	500,000
EMS Mass Transport Bus - EMS	975,000
Premium Pay - PVFD	48,000
Council on Aging	18,000
Total \$14,043,885	

Potential ARPA Projects

Project	Amount Proposed
Barnett Building Renovation - Multiple Depts.	1,000,000
Storage Warehouse - Emergency Management	705,797
New and Expanded Facility - Registration & Elections	1,000,000
Personal Protective Equipment (PPE)/Supplies - Risk Management	50,000
Nonprofit/Community Programs - External	100,000
Camera Upgrade - Sheriff	178,000
Two Truck Replacements - Fire	460,000
Park Land Aquisition	1,500,000
Total \$4,993,797	

Agenda Item Summary

Ordinance # / Resolution #: N/A

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

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Review the process and fee structure proposed for the County to fulfill Freedom of Information Act (FOIA) requests.

Points to Consider:

All local governments across the country have some type of Freedom of Information Act that they must adhere to, by which the public can obtain government documents and electronic communications. South Carolina local governments must comply with South Carolina Code Ann. 30-4-10 et seq which requires public business to be performed in an open and public manner and for citizens to request public documents.

The South Carolina law establishes prescribed timelines by which acknowledgement and responses must be provided to the requestor, plus what types of information has to be provided and disclosed, and in what format. It also delineates what information can be withheld or redacted. Furthermore, it provides for the ability to charge for staff time utilized to address FOIA requests.

The Sheriff's Office receives the most FOIA requests of any department, which is coordinated by its Public Information Officer. Generally the rest of the FOIA requests are addressed by the Clerk to Council and now the County Attorney.

The County Attorney and Sheriff's Office are utilizing a new software to streamline, archive, and partially automate the FOIA request process. As part of this process, we are structuring and outlining the entire process to better help requesters navigate the system. As part of this, we will now include the fee structure, by which Counties can charge for the time involved in satisfying a FOIA request. The fee structure varies by the hourly pay rate of the assigned person in each department to produce the FOIA requested document. An example of how hourly rates are charged by each County department is attached. Similar pay information, but specific to Lancaster County and each department is in the development stage and will be identified in the budget ordinance as one of the many fees established by the County.

Funding and Liability Factors:

Past FOIA requests for non-Sheriff's Office were generally addressed by the Clerk to Council and the outside legal counsel, with support from their paralegal. Monthly bills for outside legal counsel support to review and provide the official response to FOIA requests would vary per month depending upon volume and the nature of the request.

That expense has been eliminated with the hiring of the County Attorney.

The County is in a position to recoup the cost of responding to FOIA requests, as rarely in the past did we charge for the staff time involved in researching, redacting and producing the documents related to a FOIA request, a task which would take away from the time they were available to perform their daily duties. The new streamlined process and web-based functions will be automatic and publicize the payment component of the FOIA legislation.

Recommendation:

Provide feedback on the automatic FOIA process and fee structure.

ATTACHMENTS:

Description	Upload Date	Type
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SOUTH CAROLINA FREEDOM OF INFORMATION ACT REQUEST

In accordance with the South Carolina Freedom of Information Act (FOIA), S.C. Code Ann. § 30-4-10, et seq., Persons have the right to inspect, copy, or receive non-exempt Public Records. FOIA Requests for Public Records of Spartanburg County should be made through the following links

Requests may also be submitted by U.S. Mail sent to Spartanburg County, Attn: FOIA, P.O. Box 5666, Spartanburg, SC 29304, and by facsimile at 864-596-2232.

Spartanburg County charges a fee for the cost of the search, retrieval, and redaction of records based on the time necessary to complete such actions. The rate used to determine the charge due is the hourly rate of the lowest-paid employee qualified to perform the actions necessary to respond to the request. Spartanburg County also charges a uniform fee to copy documents provided pursuant to a request.

Spartanburg County will provide an initial response to a requestor within ten (10) business days of receipt of the request. However, if the records sought are more than twenty-four (24) months old, Spartanburg County will provide an initial response to the requestor within twenty (20) business days.

County Department Rates Per Hour For Research and Gathering and Copies

Department	Hourly Rate
Assessor	\$ 25.83
Auditor	\$ 31.92
Budget Management	\$ 40.08
Building Codes	\$ 18.34
Clerk of Court	\$ 27.56
Communications/ 911	\$ 39.42
Community Development	\$ 22.92
Coroner	\$ 32.23
County Administration	\$ 30.15
County Attorney's Office	\$18.90
County Council	\$ 40.49
Delegation	\$ 26.45

Department	Hourly Rate
Detention Center	\$ 24.17
Emergency Services	\$ 46.21
Enviromnental Enforcement (Litter/Animal)	\$ 23.56
Environmental Enforcement (Building Code)	\$ 16.98
Facilities Maintenance	\$ 27.93
Finance	\$ 34.97
Fire Services Director	\$ 40.38
Fleet Maintenance	\$ 19.79
GIS	\$ 35.86
Hazmat	\$ 29.74
Human Resources	\$ 23.44
Infonnation Technologies	\$27.13
Internal Auditor	\$ 25.04
Magistrate Court	\$ 36.85
Master-In-Equity	\$ 23.36
Parks and Recreation	\$ 19.87
Planning and Development	\$21.11
Probate Court	\$ 36.97
Public Defender	\$ 32.06
Public Works	\$ 23.50
Purchasing	\$ 44.79
Records Management	\$ 22.71
Register of Deeds	\$ 23.85
Registrations and Elections	\$ 44.37
Risk Management	\$ 27.00
Sheriffs Office	\$ 34.00
Solicitor's Office	\$ 36.18
Solid Waste	\$ 27.35

Department	Hourly Rate
Tax Collector	\$ 24.80
Treasurer	\$ 27.06
Trinity Fire Department	\$ 35.33
Veteran's Affairs	\$ 35.00

Actual costs will also be charged as follows: \$.20 cents per page (black and white)/ \$.35 cents per page (color); Facsimile \$1.00 per page; CD \$1.00 each CD; and US Postage at the current US Postal rate charges.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Obtain Council feedback on certain proposed budget items, including compensation, new positions, use of fund balance, and potential millage increase.

Points to Consider:

Council received the Administrator's recommended budget and alternate budget at the May 3 Special Council meeting. The Administrator would like more County Council feedback and input in order to finalize the First Reading of the budget ordinance on May 22, 2023.

Both the recommended and Alternate budget proposals include a pay increase for County employees, but to varying degrees, and a list of one-time purchases to use with fund balance. Input on the compensation levels as well as the projects to be purchased or completed with fund balance will be sought.

The alternate budget includes eight new positions in the general fund. These new positions with the alternate budgets higher level of compensation would result in a millage increase. Input regarding the new positions and level of millage increase will be sought.

Funding and Liability Factors:

This input and feedback will determine the composition of the 2023-2024 Fiscal Year budget.

Recommendation:

Provide feedback on compensation, new positions, fund balance use and millage increase.

ATTACHMENTS:

Description	Upload Date	Type
Additional Information regarding Requested Positions	5/4/2023	Backup Material
Additional Information on Fund Balance Utilization	5/4/2023	Backup Material

Position	Full Cost	Notes
Facilities Director (1/2 year)	66,590	Serve entire county and all departments; reduce/leverage outside landscaping, cleaning, and maintenance contracts; establish proactive preventative maintenance approach; need holistic approach to growing number of facilities. County now has 47 facilities, 16 Parks and 205 acres to manage
Assistant Attorney (1/2 year)	58,895	Serve entire county and all departments; address land issues (orphaned roads/road ownership, delinquent tax/property issues, UDO/Comp Plan); staff Planning Commission/BZA meetings, support enhanced nuisance abatement program; assist with public info requests
Budget/Management Analyst	104,580	Support implementation/data tracking of Strategic Plan; ERP evaluation; support Administration in research and analysis of service delivery efficiency and effectiveness (high performing organization); enhance data utilization, metrics, and performance measures throughout organization; assist with preparation and execution of annual budgets
Firefighters (2)	176,570	Addresses substantial increase in call volume; lack of volunteer availability during daytime working hours; recommended by Fitch Fire study
Deputy	101,380	Addresses lower than average officers per 1,000 population (trying to increase to meet and catch up to regional and national averages), large increases in arrests, calls for service, and shoplifting cases in the past 10 years, along with approx. 25% population growth from 2010-2020 placing additional demand on all services
Records Clerk/Passports	53,405	Allow for an expanded passport operation with "walk in" option to generate additional revenue; double as Records Clerk to increase efficiency of clerical organization regarding the management of the County's records. Will generate revenue
Parks and Rec Scheduler	59,310	Addresses increase in number of new facilities. Provide higher levels of customer service and eliminate instances of double bookings while maximizing our revenue through all parks and recreation rental properties by effectively managing all field/venue rentals throughout the County via streamlined process with a central point of contact. Continue to maximize internal staffing resources to enhance our offerings at recreation centers by eliminating this responsibility for Center Managers and allowing them to focus on the management of their Centers

Project	Cost	Notes
Airport Master Plan	\$ 70,000	Plan, that would complement existing plans and include "business plan" component to help evaluate the ROI or cost-benefit to have a Fixed-Base Operator (FBO), and look at other services.
ERP System Assessment	\$ 75,000	The ERP (Enterprise Resource Planning) Assessment reviews usage of existing programs (accounting, HR, budgeting) to determine future needs and provide a requirements document in order to go to bid for an ERP system, replacing antiquated systems and providing valuable info for data driven decision making which is a key component in a high performing organization
USC-L Pickleball Courts	\$ 30,000	County support to build 6 new pickle ball courts on the USCL Campus near the YMCA.
Administration Renovation	\$ 20,000	Furniture, fixtures and equipment to complete the Administration Office renovation project
IT Workstation Replacements	\$ 220,000	Continued Replacement of workstation equipment
Recreation Center Alarm Systems	\$ 141,550	Provide for monitoring and security of recreation centers
Access Control Finalization	\$ 28,400	Management of secure areas in County Admin building
Special Area/Corridor Planning	\$ 150,000	Allow for consulting work related to specific areas of the County alongside UDO rewrite and Comp Plan
Courtroom B A/V Replacement	\$ 250,000	Equipment has reached end of useful life
Courthouse Boiler Replacements	\$ 225,000	Equipment has reached end of useful life (One boiler is presently inoperable)
5 Sheriff Vehicle Replacements	\$ 275,000	Current Sheriff fleet with increasing car mileage
Sheriff Generator Replacement	\$ 150,000	Needed for evidence storage backup power; current one has reached end of useful life
Detention Center LiveScan Replacement	\$ 25,435	Fingerprinting system used to submit fingerprints to SLED and FBI; will reach end of life November 2023
911 Dispatch Console Replacements	\$ 310,000	Replacement of physical desks and cubicles; current equipment worn and reaching end of life
Fire Lifting Struts	\$ 58,900	Aid in the stabilization of vehicles when in an abnormal crash position
Fire Rescue Equipment Sets (2)	\$ 50,000	Upgrade and replace 2 sets of rescue tools/equipment
Plyler Mill Road Grant Match	\$ 400,000	Fish and Wildlife grant with a 20% match to remove undersized, outdated culvert
Convenience Site Upgrades	\$ 200,000	Related to recommendations coming forward from the Solid Waste Study
Solid Waste Study - Phase 3	\$ 100,000	Final phase of study
Animal Shelter Sally Port	\$ 75,000	Allow for additional place to house cats along with landing/intake area for animals
14 Passenger Buses (2)	\$ 182,000	Allow Parks and Rec staff ability to drive smaller buses without the need for CDL licenses
AJ and Buford Gym Floor Replacements	\$ 300,000	Reaching end of useful life
Rec Center Lighting Replacements	\$ 90,000	Current lighting systems are outdated and provide insufficient light

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1842 - POSTPONED UNTIL THE 5/22/2023 COUNCIL MEETING PER APPLICANT'S REQUESTS

Contact Person / Sponsor: Brian Fulk / Economic Development

Department: Economic Development

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Approve the Second Reading of Ordinance 2023-1842 on April 11, 2023. The client is requesting that the Public Hearing and 3rd Reading then be held for one month, and then hold the public hearing and third reading on May 22 at which time the company's name would be revealed.

During the first reading, County Council expressed concern with clarity in the number of jobs required by the employer to receive economic development incentives. While the company anticipates hiring approximately 167 positions in Lancaster County, the firm agreement number is 125 jobs.. This will be better articulated in the Ordinance for third reading.

There was also a Companion Inducement Resolution 1231-R2023 to this Ordinance.

Points to Consider:

Project Spider originates from the underlying company's desire to consolidate its two corporate office locations from North Carolina to Lancaster, South Carolina. Project Spider is a privately owned concern and has been in operation since the 1970's in the Southeastern United States. It operates in the transportation industry.

The Company intends to purchase an office building in the Indian Land area for \$6,000,000 and then upgrade over a five-year investment period by investing another \$900,000.00.

Funding and Liability Factors:

The State of South Carolina is providing a large incentives package for this project, around \$9 million in total incentives over a 10 year period, to include Job Development Credits, Job Tax Credits, and a one-time headquarters tax credit.

The project will be in a multi-county park. Normal ad valorem property taxes will apply, but we are also offering a 30% Special Source Revenue Credit Agreement (SSRC) for the first ten years. The millage rate will vary, and is not fixed.

Recommendation:

To proceed with three readings and conclude with approval of this Economic Development Incentive request.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1831 / Planning Case Number: RZ-2022-1759 - POSTPONED UNTIL THE 6/12/2023 MEETING

Contact Person / Sponsor: M. Blaszyk / Planning

Department: Planning

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Application by King's Mountain Self-Storage LLC to rezone 4.84 acres (TM# 0013-00-024.00) located at 4263 Doby's Bridge Road, Indian Land, from Low Density Residential (LDR) to Institutional (INS) district, to allow development of a daycare facility.

Points to Consider:

The property is adjacent to other parcels zoned Institutional (Indian Land Elementary School)

The proposed INS District is generally consistent with the surrounding area which is comprised of INS and LDR Districts.

Lancaster County Water and Sewer District may require an off-site waterline extension. The applicant intends to serve the site with an onsite septic system.

Staff has received several phone calls from concerned residents about potential traffic issues.

Funding and Liability Factors:

Not applicable

Recommendation:

Planning Commission unanimously recommended **approval** during their September 2022 meeting. A brief discussion occurred related to the viability of a potential septic system and the prior history of the property (prior dumping activity).

Staff also recommended approval.

This item was deferred by Council at the November 14th, 2022 First Ordinance Reading to January 9, 2023. The deferral was made to provide the applicant more time to demonstrate how site access and onsite parking/circulation will be successfully employed relative to the curving alignment of Dobys Bridge Road. The applicant has worked with a traffic and civil engineer to develop an updated concept plan addressing these concerns. The applicant has also coordinated with SCDOT staff for preliminary feedback on their proposed site access. These efforts have shifted the proposed site access further eastward when compared to the original concept plan shared in November.

The updated (non-binding) concept plan is attached.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2023-1846 - POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING

Contact Person / Sponsor: John Bodner / Administration and Chris Clouden / Parks & Recreation

Department: Administration

Date Requested to be on Agenda: 5/8/2023

Council Action Requested:

Adopt criteria by which County Council will consider in the naming or renaming of County property and facilities.

Points to Consider:

Lancaster County has numerous assets of real property and facilities, particularly in the parks and recreation department, that can be utilized to honor local residents or even monetized to maximize revenue for the County.

The County recently added two new athletic / soccer complexes, plus renovated the Indian Land Recreation Center. In addition, the County is embarking on the construction of a new 84-acre regional park and new Detention Facility.

These new facilities, plus others planned, give the County Council an opportunity to determine names for these new facilities.

There are a myriad of ways the County Council can approach naming of County property and facilities, with this proposed ordinance identifying some criteria or parameters to consider.

This ordinance outlines a general naming policy, but would be used in tandem with an administrative policy related to sponsorships, for the instance when sponsorships can be parlayed into naming rights that would be presented to County Council.

Funding and Liability Factors:

Naming of public property or facilities can evoke a lot of emotions depending on the name and rationale utilized. Having a policy and transparent process can mitigate any concerns for how names are determined.

The only funding factor is having expenses to pay for signage and potential advertising. However, there could be significant revenue generated based on sponsorship opportunities with naming rights.

Recommendation:

Approve ordinance.