

Council Members

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

**County Administrator**

Dennis Marstall

County Attorney

John K. DuBose III

Clerk to Council

Sherrie Simpson

April 25, 2022

6:00 PM

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

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

AGENDA

1. **Call to Order Regular Meeting - Vice-Chair Brian Carnes**
2. **Welcome and Recognition - Vice-Chair Brian Carnes**
3. **Pledge of Allegiance and Invocation - Council Member Allen Blackmon**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
 - a. Recognition of Art and Essay Contest Winners for "Lancaster Thrive - 2035" from the Lancaster County School District - Dennis Marstall, County Administrator
 - b. Recognition of County Employees who Won Awards in 2021 - Dennis Marstall, County Administrator
 - Showcase of County Employees as part of April's National County Government month, whose presidential theme is ***Counties THRIVE***
6. **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.]
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 11, 2022 County Council Regular Meeting

8. Non-Consent Agenda

- a. Resolution 1188-R2022 regarding an Incentive Resolution for US Strapping
Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Fee In Lieu Of Tax And Incentive Agreement With U.S. Strapping Company, Inc., Including The Provision Of Special Source Revenue Credits; To Provide The General Terms Of The Fee In Lieu Of Tax And Incentive Agreement And The Special Source Revenue Credits; To Provide That This Resolution Is An Inducement Resolution For Purposes Of The Fee In Lieu Of Tax Simplification Act; And To State The Commitment Of Lancaster County To Place U.S. Strapping Company, Inc., Property In A Multi-County Park. - ***Jamie Gilbert***
- b. 1st Reading of Ordinance 2022-1799 regarding Amending the County Code Related to Certain Departments
Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To Certain Departments To Provide Lancaster County Increased Flexibility In The Organizational Structure Of Lancaster County Government. - ***Dennis Marstall***

9. Discussion and Action Items

- a. Development Impact Fee Study for the Remaining Parts of Lancaster County - Dennis Marstall

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

11. Miscellaneous Reports and Correspondence

12. Citizens Comments

[If Council delays until end of meeting]

13. Executive Session

[motions from Members may follow]

- a. Four Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):
 - 1. ***Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***
 - 2. ***Discussion of an Economic Development Matter: Bailes Ridge. SC Code 30-4-70(a)(5).***
 - 3. ***Discussion of an Economic Development Matter: Project Dolphin. SC Code 30-4-70(a)(5).***
 - 4. ***Discussion of Personnel Matters: Classification and Compensation Study. SC Code 30-4-70(a)(1).***

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: 4/25/2022

Issue for Consideration:

April is National County Government month and the theme this year is *Counties THRIVE*. 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 Thrive - 2035." We asked students to tell us what they think Lancaster County should look like and how they would like to see Lancaster thrive or grow by year 2035.

Points to Consider:

The County will announce the winners of the art and essay contests at the Council meeting.

Funding and Liability Factors:

N/A

Council Options:

This item is for recognition and information only for Council and citizens.

Recommendation:

N/A

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 4/25/2022

Issue for Consideration:

April is National County Government month and the presidential theme this year is ***Counties THRIVE***. At each meeting in April, the County Administrator will be recognizing different employees in Lancaster County and highlighting their key contributions to the community.

Points to Consider:

During this meeting, the County Administrator will be recognizing County employees who have won awards in 2021. The County will also be announcing its Employee of the Year for 2021 at this meeting.

Funding and Liability Factors:

This is for employee recognition purposes only.

Council Options:

This item is for recognition and information only for Council and citizens.

Recommendation:

N/A

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: 4/25/2022

Issue for Consideration:

Approve or amend the minutes from the April 11, 2022 County Council regular meeting.

Points to Consider:

The draft minutes from the April 11, 2022 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.

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 4-11-2022 County Council Regular Meeting	4/21/2022	Backup Material

Council Members

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

**County Administrator**

Dennis Marstall

County Attorney

John K. DuBose III

Clerk to Council

Sherrie Simpson

April 11, 2022

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, Larry Honeycutt, Charlene McGriff, and Billy Mosteller.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Robert Tefft, Senior Planner; Veronica Thompson, Financial Services Director; Kim Belk, Budget Director; Jeff Catoe, Public Services Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Darren Player, Fire Rescue/Emergency Management Director; April Williams, Library Director; Andrew Pack with Woolpert Design Firm; Hal Hiott, Parks and Recreation Director; Kelvin Alexander, Project Manager; the press; various Department Heads; various employees and citizens.

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

Call to Order Regular Meeting - Chairman Steve Harper

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

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. Allen Blackmon introduced his wife and welcomed her to the meeting.

Pledge of Allegiance and Invocation - Council Member Terry Graham

Terry Graham led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. Motion Passed 7-0.

Special Presentations

As part of National County Government month, Dennis Marstall recognized the County employees that serve in various professional organizations. The list of employees that were recognized during the meeting is attached as Schedule A to the written minutes in the Clerk to Council's office.

Steve Harper presented a proclamation to Sharon Novinger, Executive Director of Lancaster County Partners for Youth, and Rodney Hamright, Site Coordinator with the Lancaster County School District, proclaiming April as Child Abuse Prevention month in Lancaster County.

Andrew Pack with Woolpert Design Firm reviewed the design process for the new Regional Park in Lancaster County. He reviewed the process via a power point presentation that was included in the agenda packet. Council requested a ground breaking on the Regional Park before the end of the year. Council members and Mr. Pack discussed the following items at the conclusion of the presentation: (1) Council wanted to ensure that they were involved in the design phase of the Park; (2) Council wanted the public to be aware that the Regional Park was not a community/Roselyn neighborhood park but was, in fact, a County park and so Mr. Pack noted that signage for the park would be very important; (3) Council wanted to ensure that parking was not going to be an issue at this park like it sometimes was for other parks; (4) Council wanted to ensure that the County could charge admissions for some events/tournaments; (5) Council wanted to ensure that the Park would be designed in phases, but Mr. Pack noted that it would be designed with the end in mind; (6) Mr. Pack noted that there were no preliminary designs for the Regional Park at this time because Woolpert wanted Council, staff and community input first; and (7) Council asked whether there would be availability for naming rights.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments: None.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.**, **7b.** **7c.** and **7d.** [as listed in the Agenda package, which are the same as Item **a.**, Item **b.**, Item **c.** and Item **d.** listed below]. Seconded by Larry Honeycutt. Motion Passed 7-0.

- a. Approval of Minutes from the March 16, 2022 County Council Committee Of The Whole Meeting
- b. Approval of Minutes from the March 28, 2022 County Council Regular Meeting
- c. 3rd Reading of Ordinance 2022-1798 regarding Approval of an Easement Grant to Lancaster County Water and Sewer District for the Indian Land Recreation Center

Ordinance Title: An Ordinance To Approve An Easement Grant To Lancaster County Water And Sewer District Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0013-00-047.01 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easement And To Effectuate The Purposes Of This Ordinance.

- d. 3rd Reading of Ordinance 2022-1800 regarding Approval of an Easement Grant to Duke

Energy Carolinas, LLC for the Indian Land Soccer Complex

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located On Harrisburg Road Bearing Tax Parcel Number 0005-00-077.00 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.

Non-Consent Agenda

Public Hearing and Resolution 1195-R2022 regarding Approval of the Master Development Plan Submission for a Proposed Mixed-Use Development known as "The Lodges At Indian Land"

Resolution Title: A Resolution To Approve The Master Development Plan Submission Of NWR Development LLC, For A Proposed Mixed-Use Development Known As "The Lodges At Indian Land" Consisting Of 261 Multifamily Units And Located On Approximately 38.88 Acres, More Or Less, Currently Zoned Mixed-Use District (MX) And Located On The North Side Of Fort Mill Highway, Approximately 225 Feet East Of Rosemont Drive. - *Planning Department Case Number: MX-2020-2051.*

After the staff presentation, Billy Mosteller asked if the Traffic Impact Analysis (TIA) should be updated since the last one was done in 2019 and Robert Tefft explained that they looked at the TIA in 2020 and the recommendations for improvements came back the same, minus one. Council and staff discussed parking per unit and whether additional parking should be required. Robert Tefft explained that the applicant addressed some parking issues by adding seventeen additional spaces. Council and staff discussed whether any of the conditions for the project were still outstanding and Robert Tefft explained that the developers still had to satisfy four of the conditions. John DuBose explained that those outstanding conditions were listed in the Resolution. Council and staff discussed whether additional overflow parking was needed and Council suggested that staff look at parking as part of the new Unified Development Ordinance.

Steve Harper opened the Public Hearing for Resolution 1195-R2022 at approximately 6:50 p.m. He noted that no one signed up to speak at the Public Hearing for the Resolution. There were approximately 12 citizens in attendance during the Public Hearing for this Resolution. The following speakers came forward to make comments or sent in written comments regarding the Resolution: None.

Steve Harper closed the Public Hearing at approximately 6:50 p.m.

Larry Honeycutt moved to approve Resolution 1195-R2022. Seconded by Charlene McGriff. Motion Passed 7-0.

Public Hearing and 3rd Reading of Ordinance 2022-1801 regarding Authorization of Acquisition of Real Property for the New County Detention Center

Ordinance Title: An Ordinance Authorizing The Acquisition Of Approximately Sixty-Four (64) Acres Of Real Property Located On Pageland Highway For The Construction Of A New County Detention Center And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Purchase Of The Real Property And The Purposes Of This Ordinance.

Steve Harper opened the Public Hearing for Ordinance 2022-1801 at approximately 6:52 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 10 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 6:53 p.m.

Larry Honeycutt moved moved to approve the 3rd Reading of Ordinance 2022-1801. Seconded by Brian Carnes. Motion Passed 7-0.

Discussion and Action Items

Approval of Appointment to the Health and Wellness Commission

- Kylie Craig to the Health Wellness Commission as the Council on Aging representative to fill an unexpired term that will end on 06/30/2025

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

Development Impact Fee Study for the Remaining Parts of Lancaster County - Dennis Marstall

Dennis Marstall asked if Council wanted to move forward with an Impact Fee study of the entire County. He explained that Tischler Bise could update the study to encompass the entire County for \$56,050.00. He explained that they would begin work in May and would, most likely, come back to Council with the results in the fall of 2022.

Terry Graham moved to authorize the County Administrator to retain Tischler Bise and enter into a contract in the amount of \$56,050 to conduct a development impact fee study for the portion of Lancaster County not subject to the current impact fees. Seconded by Charlene McGriff.

Allen Blackmon asked if the County instituted an Impact Fee in the entire County, then would all the fees be able to be used anywhere in the County. John DuBose explained that the County would be divided into separate collection areas, most likely. Terry Graham asked whether the South of Highway 5 area to the City limits would be associated with the North of Highway 5 area/Panhandle or with the Southern part of the County. John DuBose explained that this decision would be driven by the study, growth factors, levels of service and capital needs. Council and staff discussed their concerns for individual property owners, whether there would be enough revenue to pay for projects in the southern part of the County, certain projects that would be ineligible for Impact Fees, and the positive and negative aspects of using Development Agreements versus Impact Fees.

Billy Mosteller moved to amend the motion to leave out his district, which is District 3, and Allen Blackmon's district, which is District 6, from the study.

John DuBose explained that the County used Fire Districts to govern the boundaries of the Impact Fee service areas and that the County could ask Tischler Bise to narrow the scope of the study. Council and staff discussed possible geographic service areas. John DuBose explained that they could use the rough geographic boundary of north of the City of Lancaster and Mr. Mosteller explained that he would make that motion and Allen Blackmon seconded it.

After further discussion of geographic boundaries, Terry Graham and Charlene McGriff withdrew the motion and second on the floor.

Billy Mosteller withdrew his motion to amend.

Allen Blackmon moved to defer action on this item until staff can pull a map of the Fire District's for Council to review. Seconded by Larry Honeycutt. Motion Passed 7-0.

Status of items tabled, recommitted, deferred or held

There were no tabled, recommitted, deferred or held items to discuss during the Council meeting.

Miscellaneous Reports and Correspondence

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

Citizens Comments

All citizens were heard during Citizens Comments held at the beginning of the Council meeting.

Executive Session

One Item (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. Discussion of Proposed Contractual Matter. SC Code 30-4-70(a)(2).

Charlene McGriff moved to go into Executive Session. Seconded by Allen Blackmon. Motion Passed 7-0. At approximately 7:14 p.m., Council went into Executive Session to discuss the following item: (1) Discussion of a proposed contractual matter, pursuant to South Carolina Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:07 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council had discussed a proposed contractual matter. He also noted that, during Executive Session, no decisions were made and no votes were taken.

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Terry Graham. Motion Passed 7-0.

There being no further business, the regular meeting of Council adjourned at approximately 8:08 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1188-R2022

Contact Person / Sponsor: Jamie Gilbert, Lancaster County Department of Economic Development

Department: Economic Development

Date Requested to be on Agenda: 4/25/2022

Issue for Consideration:

US Strapping is an existing manufacturer located in Lancaster County that is expanding its operations. The expansion includes the purchase of the Scientex (former Springs Global Distribution building) at 234 Grace Avenue in Lancaster, new production lines, and new manufacturing jobs. The expected capital investment is over \$34 million, which includes the building purchase, expansion of the building, and machinery and equipment. The project is expected to create 63 new manufacturing jobs over five years.

The Lancaster County Department of Economic Development (LCDED) first began discussing the project in 2019 with FROMM, US Strapping's Swiss based parent company. The project was put on hold that year and then delayed once again in 2020 due to COVID. In May 2021, FROMM reached out to LCDED regarding their renewed interest in growing their U.S. presence. At the time, US Strapping was seeking either a greenfield site for construction of a new 100,000-200,000 square foot manufacturing facility or the purchase of an available building, within a two hour drive of the Lancaster County operation. The project considered locations in Lancaster County and other communities in the Carolinas.

LCDED worked with the company on several options before being asked to negotiate on behalf of the company their purchase of an existing building in the county. LCDED successfully did this and the company closed the purchase of the building in February and on March 17 the State, County and FROMM announced the project.

The project will manufacture plastic packaging materials at this location. Part of the capital investment includes a 60,000 square foot expansion of the existing building, new roof and new entrance.

In working with company, LCDED presented to the company several incentives to bring the project to fruition. Those incentives were presented to County Council during Executive Session on December 13, 2021 under the code name Alpine 2. They are as follows:

Existing Building

- A 30 Year Special Source Revenue Credit (SSRC) of 42% in Years 1-5, 65% Years 6-10 and 42% in Years 11-30.
- In Years 1-5 the company will be eligible to claim the state manufacturers abatement against the county portion of the millage.

New Investment

- A 30-year Fee-In-Lieu-of-Taxes (FILOT) agreement that will provide a reduced assessment rate from 9% to 6% and fixed millage rate of 338.5 mills.
- A 10-year SSRC of 58% annually against the FILOT payments.

Performance Requirements

- The FILOT and SSRC for the existing building require that after the second year of operation that the project have at the location an average of 10 full-time jobs annually with a hourly wage rate of \$17. Failure to meet these requirements in a give year will result in the loss of the FILOT and SSRC benefits for that year.
- The SSRC for the new investment will require an annual average number of full-time jobs in addition to existing jobs with an hourly wage rate of \$17. The number of new jobs 5 (year one), 16 (year two), 30 (year three) and 40 (years four to ten). The Ordinance will contain the combined number of required jobs. Failure to meet the job requirements will result in a reduced, prorated SSRC that year.

Estimated Incentive Value, Taxes Paid and Payroll

The recommended incentives for US Strapping are expected have the following value over 30 years:

- Existing Building SSRC and 5-Year Manufacturers Abatement: \$4,544,791
- New Investment FILOT: \$1,934,856
- New Investment SSRC: \$1,352,876
- **Total Incentive Value: \$7,832,523**

The expected total amount of **taxes paid over 30 years after incentives is \$8,040,639 or on average \$268,000 annually**. At present the building generates \$87,908 in annual property taxes and over thirty years the projected estimate is \$3,186,654. After incentives, US Strapping will generate 152% more in property taxes than what the building in its current state is estimated to generate.

After five years, the operation is expected have an **annual payroll of nearly \$2.9 million**.

Points to Consider:

- US Strapping has a significant manufacturing presence in Lancaster County at 149 Aviation Boulevard.
- The project qualifies for the enhanced existing industry SSRC.
- US Strapping will create a number of new manufacturing jobs.
- The project will involve a major renovation of an existing industrial building which will likely encourage the redevelopment of other industrial properties in the area.
- US Strapping will generate more than 150% in new property taxes after incentives.
- The project will have an estimated annual payroll of \$2,900,000 or over \$46,000 per job.

Funding and Liability Factors:

There are no funding or liability factors.

Council Options:

County Council can approve, amend, table or reject the resolution.

Recommendation:

LCDED recommends County Council approve the resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1188-R2022	4/19/2022	Resolution

STATE OF SOUTH CAROLINA

)

RESOLUTION NO. 1188-R2022

)

COUNTY OF LANCASTER

)

A RESOLUTION

TO STATE THE COMMITMENT OF LANCASTER COUNTY TO ENTER INTO A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT WITH U.S. STRAPPING COMPANY, INC., INCLUDING THE PROVISION OF SPECIAL SOURCE REVENUE CREDITS; TO PROVIDE THE GENERAL TERMS OF THE FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT AND THE SPECIAL SOURCE REVENUE CREDITS; TO PROVIDE THAT THIS RESOLUTION IS AN INDUCEMENT RESOLUTION FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT; AND TO STATE THE COMMITMENT OF LANCASTER COUNTY TO PLACE U.S. STRAPPING COMPANY, INC., PROPERTY IN A MULTI-COUNTY PARK.

WHEREAS, Lancaster County, South Carolina (the "County"), acting by and through its County Council (the "Council") is empowered under and pursuant to the provisions of the Fee in Lieu of Tax Simplification Act, codified as Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to enter into fee agreements with businesses and industries in connection with the acquisition, construction, enlargement or improvement of industrial and commercial enterprises within South Carolina (the "State");

WHEREAS, the County, acting by and through its Council, is authorized and empowered to establish multicounty parks (an "MCP") pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina, and Sections 4-1-170, 4-1-172, and 4-1-175 of the Code of Laws of South Carolina 1976, as amended (the "MCP Act") to further the investment of capital and the creation of jobs in the County;

WHEREAS, Section 12-44-70 of the Act, Section 4-1-175 of the MCP Act, and Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended, authorizes the Council to provide special source revenue credits ("SSRCs") that are applied against fee-in-lieu of tax ("FILOT") payments ("FILOT Payments") made pursuant to the Act and/or MCP Act to reimburse a project for the costs of designing, acquiring, constructing, improving or expanding, among other things (i) infrastructure serving the project, or (ii) improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise;

WHEREAS, U.S. Strapping, Inc., and/or one or more affiliates (collectively, the "Company"), are considering the acquisition, construction and installation of a project upon property located in the County (the "Project"), which Project is proposed to be comprised of both investment in new personal property and real property improvements located in the County (the "New Project Property"), as well as investment in the acquisition and/or improvement of certain land and existing real property improvements located in the County (the "Existing Project Property"), *provided, that*, the County enters into certain incentive arrangements with the Company, as set forth herein;

WHEREAS, the Project is expected to result in the investment in real and personal property of at least \$34,600,000 in the Project and the creation of sixty-three (63) or more new, full-time jobs; and

WHEREAS, the County intends by this resolution to commit itself to (i) enter into a negotiated fee-in-lieu of tax arrangement and to provide SSRCs with respect to the New Project Property, (ii) provide

SSRCs with respect to the Existing Project Property, and (iii) include the location of the Project in an MCP established pursuant to the MCP Act.

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

1. **Official Action.**

The adoption of this resolution is an official action by the Council to identify, reflect and induce the Project under the Act. For purposes of the Act, this resolution is an "Inducement Resolution." For purposes of Section 12-44-110 of the Act, and for such other similar statutory provisions, this resolution constitutes preliminary approval by the County prior to the execution of a fee agreement.

2. **Fee Agreement.**

The County commits to enter into a negotiated FILOT arrangement with the Company that would be applicable to the new qualifying economic development property (personal property and building improvements) comprising the New Project Property, the terms of which shall be set forth in a fee agreement in form and manner satisfactory to the County and the Company containing substantially the following terms (the "Fee Agreement"):

- a. an Investment Period, as defined in the Act, of five (5) years;
- b. the Company's commitment to create and maintain new full-time jobs (*i.e.*, at least thirty (30) hours per week), all with health care benefits ("New Full-Time Jobs") paying an hourly wage rate not less than the Wage Requirement at the following employment levels and in the designated timeframes:
 1. to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than an average of sixteen (16) in calendar year 2023 (applicable to the negotiated FILOT Payment due with respect to the New Project Property without penalty on or before January 15, 2025), and a total number of employees of not less than eighty-four (84),
 2. to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than an average of thirty (30) in calendar year 2024 (applicable to the negotiated FILOT Payment due with respect to the New Project Property without penalty on or before January 15, 2026), and a total number of employees of not less than ninety-eight (98), and
 4. to have employed in New Full-Time Jobs meeting the Wage Requirement, not less than an average of forty-four (44), and a total number of employees of not less than one hundred twelve (112), in calendar year 2025 and each calendar year thereafter (applicable to the negotiated FILOT Payment due with respect to the New Project Property without penalty on or before January 15, 2027 and each successive January 15 corresponding to each such subsequent calendar year) for which the Company receives the SSRCs provided in 2.e below.

As used in this item 2.b, "Wage Requirement" means an hourly wage rate of seventeen dollars (\$17.00) or more for calendar year 2023 and each calendar year thereafter corresponding to a negotiated FILOT Payment, as set forth above, against which the Company receives the SSRCs provided in 2.e below.

The Company may include jobs relocated from other states to the Project to determine if the Company has fulfilled its commitment to create New Full-Time Jobs if the relocated jobs meet the Wage Requirement. The Company's commitment to create New Full-Time

Jobs paying an hourly wage rate meeting the Wage Requirement, as described in this item 2.b is referred to as the "Jobs Commitment";

- c. calculation of negotiated FILOT Payments using an assessment ratio of six percent (6%) and a millage rate fixed for the life of the negotiated FILOT Payments at 338.5 mills, *provided, however, that*, in any calendar year during the ten (10) consecutive calendar years of the term of the Fee Agreement commencing on January 1, 2023 in which the Company fails to have employed an average of not less than ten (10) in full-time jobs (*i.e.*, at least thirty (30) hours per week, all with health care benefits) paying an hourly wage rate not less than seventeen dollars (\$17.00), the Company shall, together with the total negotiated FILOT Payments actually due from the Company corresponding to such calendar year (*e.g.*, calendar year 2023 corresponds to the negotiated FILOT Payment due without penalty on or before January 15, 2025) pay an additional fee equal to the difference between (i) a negotiated FILOT Payment that uses the then current millage rate and the assessment ratio that would have been used if the qualifying economic development property was not subject to a negotiated FILOT Payment, and (ii) the total amount of negotiated FILOT Payments actually made by the Company;
- d. a term of thirty (30) years for the Fee Agreement;
- e. for New Project Property, an SSRC equal to fifty-eight percent (58%) of the negotiated FILOT Payments due with respect to the New Project Property for ten (10) consecutive tax years beginning with the initial negotiated FILOT Payment due with respect to the New Project Property under the Fee Agreement, which the County and the Company presently anticipate being the negotiated FILOT Payment due without penalty on or before January 15, 2025 and ending with the negotiated FILOT Payment due without penalty on or before January 15, 2034, *provided, however, that*, in any year in which the Company fails to meet the Jobs Commitment, as set forth in item 2.b. above, the SSRC provided in this item 2.e attributable to the negotiated FILOT payment due from the Company applicable to such calendar year for purposes of the Job Commitment shall be reduced in the same proportion that the Company failed to meet the Jobs Commitment for such calendar year. Notwithstanding the preceding proviso, the Company is ineligible for the SSRC provided in this item 2.e. for any negotiated FILOT Payment due from the Company corresponding to any calendar year for which the Company must pay an additional fee as required in item 2.c. above (*e.g.*, calendar year 2023 corresponds to the negotiated FILOT Payment due without penalty on or before January 15, 2025);
- f. for Existing Project Property, an SSRC equal to the following: (x) in addition to any applicable five-year exemption from *ad valorem* taxes, or from FILOT Payments pursuant to the MCP Act, as the case may be, provided by Article X, Section 3 of the Constitution of the State and Section 12-37-220(A)(7) of the Code of Laws of South Carolina 1976, as amended, forty-two percent (42%) of the FILOT Payments due with respect to the Existing Project Property for five (5) consecutive tax years beginning with the initial FILOT Payment due with respect to the Existing Project Property pursuant to the MCP Act, which the County and the Company presently anticipate being the FILOT Payment due without penalty on or before January 15, 2024 and ending with the FILOT Payment due without penalty on or before January 15, 2028; (y) sixty-five percent (65%) of the FILOT Payments due with respect to the Existing Project Property for five (5) consecutive tax years beginning with the sixth FILOT Payment due with respect to the Existing Project Property pursuant to the MCP Act, which the County and the Company presently anticipate being

the FILOT Payment due without penalty on or before January 15, 2029 and ending with the FILOT Payment due without penalty on or before January 15, 2033; and (z) forty-two percent (42%) of the FILOT Payments due with respect to the Existing Project Property for twenty (20) consecutive tax years beginning with the eleventh FILOT Payment due with respect to the Existing Project Property pursuant to the MCP Act, which the County and the Company presently anticipate being the FILOT Payment due without penalty on or before January 15, 2034 and ending with the FILOT Payment due without penalty on or before January 15, 2053; *provided, however, that*, if, in any calendar year during the term of the Fee Agreement, commencing with calendar year 2023, the Company fails to have employed in the applicable calendar year an average of not less than ten (10) in full-time jobs (*i.e.*, at least thirty (30) hours per week, all with health care benefits) paying an hourly wage rate not less than seventeen dollars (\$17.00), the Company shall be ineligible to receive the SSRC provided in this item 2.f. for any FILOT Payment due from the Company corresponding to such calendar year (*e.g.*, calendar year 2023 corresponds to the FILOT Payment due without penalty on or before January 15, 2025);

- g. provisions requiring the Company to provide documentation to the County Economic Development Director to prove compliance by the Company with the Jobs Commitment. The documentation may include providing completed South Carolina Department of Revenue job tax credit forms, such as form TC-4, and completed South Carolina Department of Employment and Workforce quarterly contribution and wage reports, such as form UCE 120. In lieu of providing any of the forms specifically identified in this item 2.g, the Company and the County Economic Development Director may agree on an alternative method for the Company to demonstrate compliance with the Jobs Commitment; and
- h. the Company's commitment to reimburse the County for its administrative expenses, including attorneys' fees, associated with (i) the preparation, review, approval and execution of the Fee Agreement, (ii) the preparation, review, approval and execution of other documents related to the Fee Agreement, and (iii) the annual computation of the negotiated FILOT Payments and SSRCS.

3. **Multi-County Park.**

Council shall use its best efforts to include the land on which the Project is located in a MCP, if not already included in a MCP. The period of time for inclusion of the land in a MCP shall be for a period at least as long as the period the Fee Agreement is effective.

4. **Potential Grants.**

A. The County shall use its best efforts to (i) assist the Company in locating potential grants from the State and utilities for any public infrastructure costs or other eligible costs associated with the Project, (ii) assist the Company in applying for State economic development incentives that flow through the County, and (iii) assist the Company in securing job training through the ReadySC program.

B. As used in this item 4, "best efforts" include, without limitation, filing all required and necessary documents and applications relating to the grants or assistance, formally recommending approval of the grants or assistance and making the grants or assistance available at the commencement of

the construction of the Project if provided by the granting or assisting entity and giving the Company written evidence of the grants or assistance when approved.

5. **Exercise of Discretion.**

Council's commitments and agreements contained in items 3 and 4 above are subject to the exercise of discretion by granting or approving entities other than the County and the exercise of that discretion is not controlled by the County.

6. **Applicable Rules and Procedures.**

Council shall approve the Fee Agreement and any other agreement or document contemplated by this resolution, in accordance with South Carolina law and the rules and procedures of the Council.

7. **Statutory Findings.**

County Council finds that (i) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally, (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality, (iii) the purposes to be accomplished by the Project are proper governmental and public purposes, and (iv) the benefits of the Project to the public are greater than the costs to the public.

8. **Conflicting Provisions.**

To the extent this resolution contains provisions that conflict with other orders, resolutions, and parts thereof, the provisions contained in this resolution supersede all other orders, resolutions and parts thereof and this resolution is controlling.

9. **Effective Date.**

This resolution takes effect upon its adoption.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO RESOLVED

Dated this ____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

[SEAL]

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Approved as to form:

John K. DuBose III, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1799

Contact Person / Sponsor: Dennis Marstall / Administration and John DuBose / County Attorney

Department: Administration

Date Requested to be on Agenda: 4/25/2022

Issue for Consideration:

Adopt updated ordinance related to specified County departments.

Points to Consider:

Before the new Administrator began his duties in October 2021, the former Administrator had reviewed the County codes pertaining to County staffing.

In looking at the County's staffing and organizational structure, there are many archaic code sections that need to be cleaned up to address contemporary terminology and staffing structures and provide the County Administrator with more flexibility in organizing staff functions.

Based upon Council discussion at the March 28th meeting and April 13 Committee of the Whole, the draft ordinance is to primarily update outdated language and reflect the current staffing structure, as well as outline the reporting authority for various positions. The ordinance does not change that any County Administrator staffing plan has to be done with Council-approved positions and within budget.

Highlights of the update include eliminating the Deputy County Administrator position and replacing it with the new titled position of Assistant County Administrator. It also codifies Council's ability to contract directly for legal services, without time limits, plus updates the civil defense coordinator title to the Emergency Management Director.

Attached is a draft Ordinance for County Council input as the County Administrator begins to tweak and adjust the organizational structure under his purview.

This is the first action of anticipated more steps that will need to be taken to update the County Code to address outdated positions and terminology, as well as create a county department structure that is best prepared to address the rapid growth and future service delivery models of the County.

Funding and Liability Factors:

N/A

Council Options:

Adopt the proposed changes for 10 County Departments or not.

Recommendation:

Adopt the noted changes related to 10 departments or functions of the County to clarify reporting structure and departmental roles to assist the County Administrator in structuring the organization to better address growth and the future needs of the County.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1799	4/14/2022	Ordinance

~~Indicates Matter Stricken~~
Indicates New Matter

**TO AMEND THE LANCASTER COUNTY CODE
RELATED TO CERTAIN DEPARTMENTS TO PROVIDE LANCASTER COUNTY
INCREASED FLEXIBLTY IN THE ORGANIZATIONAL STRUCTURE OF
LANCASTER COUNTY GOVERNMENT**

Sec. 2-82. - Office created; functions. Assistant County Administrator

~~The position of deputy county administrator is hereby created.~~ The assistant county administrator shall be appointed by and serve at the pleasure of the county administrator. The assistant county administrator shall assist the county administrator in all aspects of his duty and shall have primary oversight of such divisions/departments as may be assigned by the county administrator.

In the absence or incapacitation of the county administrator the assistant county administrator shall have those powers and duties provided for in S.C. Code 1976, § 4-9-620 et seq. and such other powers and duties as may be required by the council.

(Ord. No. 1610, § 1, 10-28-2019)

Section 2. Section 2-91 of the Lancaster County Code is hereby amended as follows:

Sec. 2-91. - ~~Office created; functions.~~ Chief Financial Officer

~~The office of director of finance is herein established. The director of finance~~ chief financial officer, under the direction of the county administrator, will perform administrative work in planning, organizing, coordinating, and directing ~~the accounting, financing, purchasing, data processing and cost control activities of the county such departments as may be assigned by the county administrator.~~ The ~~director of finance~~ Chief Financial Officer shall perform any additional duties assigned him or her by the county administrator.

(Ord. No. 23, 10-3-77; Ord. of 2-7-83; Ord. No. 851, 9-24-07)

Section 3. Section 2-101 through 2-105 of the Lancaster County Code are hereby amended as follows:

Sec. 2-101. - Selection.

The county administrator shall appoint a qualified attorney to serve as county attorney. The county attorney shall serve at the pleasure and discretion of the county administrator and the salary of the county attorney shall be determined by the county administrator.

(Ord. No. 1327, 2-9-2015; Ord. No. 1327(Rev.), 8-24-2015)

Sec. 2-102. - Status as employee.

The county attorney is an employee of the county, unless otherwise contracted by the county administrator, but not an officer of the county and has no authority except that specifically authorized by the county administrator or county council.

(Ord. No. 1327, 2-9-2015; Ord. No. 1327(Rev.), 8-24-2015)

Reserved

Sec. 2-103. - Duties.

The ~~office of the~~ county attorney, under the direction of the county administrator, provides the delivery and coordination of legal services for the county; processing and managing tort claims; handling county litigation through direct representation or coordination of retained counsel; prosecution of code and zoning violations and vehicle forfeitures; court appearances; representation before regulatory agencies; processing public finance and economic development tax issues; attendance at conferences and meetings; legal opinions; legal research; drafting ordinances, resolutions, interpretation of council rules; monitoring new legislation and compliance requirements. Provide legal consultation with county departments, elected officials, and certain boards and commissions. Provide labor and employment advice on human resource issues. Involved professionally with the South Carolina Bar, Lancaster County Bar, SCAC, SCACA and IMLA.

(Ord. No. 1327, 2-9-2015; Ord. No. 1327(Rev.), 8-24-2015)

Sec. 2-104. - Authorization required for use of other attorney.

No county agency, commission, board, department, committee, utility district, service district or fire district shall employ an attorney other than the county attorney unless specifically authorized by the county administrator. County council may, at any time, retain contractual legal services.

(Ord. No. 1327, 2-9-2015; Ord. No. 1327(Rev.), 8-24-2015)

Cross reference— Historical commission legal counsel, § 2-318; airport commission legal counsel, § 3-28; farmers' market commission legal counsel, § 13-28; volunteer fire commission legal counsel, § 14-28; planning and development commission legal counsel, § 25-31; board of assessment appeals legal counsel, § 28-49.

Sec. 2-105. - Other legal representation.

Notwithstanding any conflicting employee policy of Lancaster County relating to outside employment, the county attorney ~~shall be considered, if employed as~~ a full-time employee, and shall not solicit, accept or participate in any legal representation other than that associated with the duties and responsibilities of county attorney.

(Ord. No. 1327(Rev.), 8-24-2015)

Reserved

Section 4. Section 2-121 of the Lancaster County Code is hereby amended as follows:

Sec. 2-121. - ~~Office created; appointment; term.~~ Register of Deeds

~~There is hereby created the office of register of deeds, which shall be and shall function as a department of Lancaster County. The department~~ register of deeds office shall be headed by the register of deeds, ~~who shall be appointed in accordance with Section 30-5-12 of the South Carolina Code of Laws whose position is hereby created and authorized.~~ The term of office of the register of deeds shall be at the pleasure of the county council.

(Ord. No. 983, § 1, 5-4-09)

Section 5. Section 2-258 of the Lancaster County Code is hereby amended as follows:

Sec. 2-258. - Procurement director.

- (a) ~~There is created the position of~~ The procurement director, under the direction of the county administrator, who shall be the county's chief procurement officer for procurement and contract services. The procurement director shall report to the general services division director.
 - (b) The procurement director shall not incur any obligation on behalf of the county if sufficient funds have not been appropriated by the county council.
 - (c) Responsibilities of the procurement director include, but are not limited to: directing the day-to-day operations of the procurement department, including the supervision of staff and the review of their work; ensuring compliance with applicable policies, laws, and regulations; administering and maintaining the procurement card program for the county; establishing standard contract clauses for use in contracts, solicitations, and purchase orders; conducting contract negotiations and contract administration; attending staff, committee, and council meetings as needed; coordinating the disposal of all surplus property and equipment; assisting grant recipients in ensuring proper procurement procedures are followed; maintaining a complete record of all purchasing transactions; conducting pre-bid conferences and bid openings; handling bid advertisements, logging bids, and posting notice of awards and rejection notices as needed; properly maintaining records of all bid information; establishing and updating a bidders list; assisting county government entities with writing bid specifications; developing, reviewing, and updating procurement and contract procedures to ensure effective and efficient operations; receiving and responding to inquiries from county government entities and vendors regarding procurement procedures; and providing instruction and guidance to county government entities and officials.
- (1) ~~Directing the day to day operations of the procurement department, including the supervision of staff and the review of their work;~~

- ~~(2) Ensuring compliance with applicable policies, laws, and regulations;~~
- ~~(3) Administering and maintaining the procurement card program for the county;~~
- ~~(4) Establishing standard contract clauses for use in contracts, solicitations, and purchase orders;~~
- ~~(5) Conducting contract negotiations and contract administration;~~
- ~~(6) Attending staff, committee, and council meetings as needed;~~
- ~~(7) Coordinating the disposal of all surplus property and equipment;~~
- ~~(8) Assisting grant recipients in ensuring proper procurement procedures are followed;~~
- ~~(9) Maintaining a complete record of all purchasing transactions;~~
- ~~(10) Conducting pre-bid conferences and bid openings;~~
- ~~(11) Handling bid advertisements, logging bids, and posting notice of awards and rejection notices as needed;~~
- ~~(12) Properly maintaining records of all bid information;~~
- ~~(13) Establishing and updating a bidders list;~~
- ~~(14) Assisting county government entities with writing bid specifications;~~
- ~~(15) Developing, reviewing, and updating procurement and contract procedures to ensure effective and efficient operations;~~
- ~~(16) Receiving and responding to inquiries from county government entities and vendors regarding procurement procedures; and~~
- ~~(17) Providing instruction and guidance to county government entities and officials.~~

- (d) The procurement director is authorized to develop, prepare and publish rules, regulations, manuals, guidelines, interpretations and other directives to aid in the implementation and use of the Lancaster County Procurement Code.

(Ord. No. 1677, § 1, 9-14-20)

Section 6. Sections 11-21 through 11-24 of the Lancaster County Code are hereby amended as follows:

Sec. 11-21.—Replacement of civil defense chairman; office created. Office of Emergency Management

The position of civil defense chairman as established by section 44-308 of the Code of Laws of South Carolina, 1962, is hereby abolished and there is hereby created as the successor of the position the office of the emergency management preparedness coordinator. The Director of the Office of Emergency Management shall be a county employee hired by the County Administrator.

(Ord. No. 83, 6-10-82; Ord. of 1-10-83)

Sec. 11-22. - Purpose of ~~o~~Office of Emergency Management.

The purpose of the office of emergency management preparedness coordinator shall be to prevent, prepare, and manage emergencies, disaster, and other incidents ~~coordinate civil defense~~

and emergency planning in the county and adjacent areas, including establishment in the county of civil defense plans in accordance with state guidelines, and to coordinate local volunteer fire departments.

(Ord. No. 83, 6-10-82; Ord. of 1-10-83)

~~Cross reference—Fire prevention, Ch. 14.~~

Sec. 11-23.

~~Sec. 11-23.—Appointment.~~

~~The emergency preparedness coordinator shall be a county employee of department head level hired by the administrator.~~

~~(Ord. No. 83, 6-10-82; Ord. of 1-10-83)~~

~~Cross reference—Departments of county government, generally, § 2-131 et seq.~~

Reserved

~~Sec. 11-24.—Duties.~~

~~The emergency preparedness coordinator shall perform such duties as assigned by the administrator. The administrator may prepare a job code description for the emergency preparedness coordinator to specify more exactly his duties.~~

~~(Ord. No. 83, 6-10-82; Ord. of 1-10-83)~~

Reserved

Section 7. Section 14-75 of the Lancaster County Code is hereby amended as follows:

Sec. 14-75. - Fire marshal's office.

The ~~LCFM~~ Lancaster County Fire Marshall (LCFM) will operate out of the office of the Lancaster County Fire Rescue Service. ~~Until such time as sufficient staffing is available, the~~ The function of the office shall be to review new commercial structure plans and inspect those buildings and premises as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions which could cause fire, endanger life from fire, or any violations of the provisions of this article and any other law or ordinance affecting fire safety.

~~When staffing is at a sufficient level, the~~ The LCFM, or his duly authorized agent, shall inspect ~~all~~ commercial buildings and premises as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions which could cause fire, endanger life from fire, or any violations of the provisions of this article and any other law, ordinance, or statutorily adopted code affecting fire safety. The fire marshal ~~will report administratively to the~~

~~fire service deputy director, and~~ will serve as the authority having jurisdiction (AHJ) on all code related issues, questions, and decisions. The fire marshal's decisions may be appealed to the fire board of appeals.

(Ord. No. 921, § I, 6-2-08)

Section 8. Section 25-41 of the Lancaster County Code is hereby amended as follows:

Sec. 25-41. - ~~Creation, function and duties.~~ Planning

- (a) ~~Through this section, the county council creates the Lancaster County Planning Department. This~~ The planning staff is charged with creating, revising, and periodically updating the comprehensive plan(s) for Lancaster County ~~and its three (3) municipalities.~~ In addition to the duties involved in gathering data and maintaining the comprehensive plan, the planning staff will be involved in the following activities directly associated with implementing the comprehensive plan:
- ~~(1) Regional studies.~~
 - ~~a. Transportation network.~~
 - ~~b. Water supply.~~
 - ~~c. Sewage treatment.~~
 - ~~d. Solid waste.~~
 - ~~(2) Small area/focal point studies.~~
 - ~~a. Police and fire protection.~~
 - ~~b. Hospitals and public health.~~
 - ~~c. Recreation.~~
 - ~~(3) Capital programming.~~
 - ~~a. General government.~~
 - ~~b. Education.~~
 - ~~c. Libraries and cultural facilities.~~
 - ~~(4) Environmental planning.~~
 - ~~(5) Housing and redevelopment.~~
 - ~~(6) Grantsmanship.~~
 - ~~(7) Special projects.~~
 - ~~(8) Research:~~
 - ~~(1) Census data.~~
 - ~~(2) Database.~~
 - ~~(3) Budget and policy analysis.~~
 - (1) Regional studies of the transportation network, water supply, sewage treatment, and solid waste.

- (2) Small area/focal point studies related to police and fire protection, hospitals and public health, and recreation.
- (3) Capital programming for general government, education, and libraries and cultural facilities.
- (4) Environmental planning.
- (5) Housing and redevelopment.
- (6) Grantsmanship.
- (7) Special projects.
- (8) Research of census data, database, and budget and policy analysis.
- (9) Provide growth management strategies ~~to all councils~~ (i.e. zoning and subdivision changes).
- (10) Comment on rezonings, annexations, major subdivisions, major developments, and all topics that are related to and have impact on the Lancaster County comprehensive planning process.
- (b) By separate ordinance, the county council will consider and adopt changes to the Unified Development Ordinance.
- (c) Should a municipality in Lancaster County desire to have planning services performed by Lancaster County such an arrangement shall be by an Intergovernmental Agreement, ratified by both governing bodies.

(Ord. No. 234, § 6, 5-23-94)

Section 9. Section 25-61 of the Lancaster County Code is hereby amended as follows:

Sec. 25-61. - ~~Created, function and duties.~~ Building

- (a) ~~Through this section, the county council creates the Lancaster County Building Department. This~~ The Building staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:
 - (1) Issuing: construction permits, mobile home permits, mobile home de-title permits, application for Building Code appeals, monument or pole sign permits.
 - (b) Performing: building codes inspection, building codes enforcement, construction plan reviews, investigation and verification of appeals, mobile home de-title inspections.

(c) Administering building codes.

~~(1) Issuing:~~

- ~~a. Construction permits.~~
- ~~b. Mobile home permits.~~
- ~~c. Mobile home de-title permits.~~
- ~~d. Application for Building Code appeals.~~
- ~~e. Monument or pole sign permits.~~

~~(2) Performing:~~

- ~~a. Building codes inspection.~~
- ~~b. Building codes enforcement.~~
- ~~c. Construction plan reviews.~~
- ~~d. Investigation and verification of appeals.~~
- ~~e. Mobile home de-title inspections.~~

~~(3) Administering:~~

- ~~a. Building codes.~~

(d) ~~The building staff shall serve as the enforcement staff to the towns of Heath Springs and Kershaw, and enforce only those ordinances and codes that have been duly adopted by the respective councils. Should a municipality in Lancaster County desire to have building services performed by Lancaster County such an arrangement shall be by an Intergovernmental Agreement, ratified by both governing bodies.~~

(e) By separate ordinance, the county council will consider and adopt building and construction codes to be enforced by the building department.

(Ord. No. 234, § 7, 5-23-1994; Ord. No. 2017-1458, § 1, 9-12-2017)

Section 10. Section 2-82 of the Lancaster County Code is hereby amended as follows:

Sec. 25-71. - ~~Created, function and duties.~~ Zoning

(a) ~~Through this section, the county council creates the Lancaster County Zoning Department. This~~ The Zoning staff shall perform the daily enforcement activities associated with the following ordinances, codes, and topics:

- (1) Issuing: mobile home moving permits, mobile home change of ownership, application for zoning appeals and variances, use/occupancy permits, septic tank permits.

(2) Performing: Unified Development Ordinance code inspections, Unified Development Ordinance enforcement, site plan reviews, investigation and verification of Unified Development Ordinance appeals and variances, etc.

(3) Administering the flood damage prevention ordinance.

~~(1) Issuing:~~

- ~~a. Mobile home moving permits.~~
- ~~b. Mobile home change of ownership.~~
- ~~c. Application for zoning appeals and variances.~~
- ~~d. Use/occupancy permits.~~
- ~~e. Septic tank permits.~~
- ~~f. Alarm permits.~~

~~(2) Performing:~~

- ~~a. Unified Development Ordinance code inspections.~~
- ~~b. Unified Development Ordinance enforcement.~~
- ~~c. Site plan reviews.~~
- ~~d. Investigation and verification of Unified Development Ordinance appeals and variances, etc.~~

~~(3) Administering:~~

- ~~a. Flood damage prevention ordinance.~~

(b) ~~The zoning staff shall serve as the enforcement staff to the towns of Heath Springs and Kershaw, and enforce only those ordinances and codes that have been duly adopted by the respective councils. Should a municipality in Lancaster County desire to have zoning services performed by Lancaster County such an arrangement shall be by an Intergovernmental Agreement, ratified by both governing bodies.~~

(c) ~~By separate ordinance, the county council will consider and adopt changes to the Unified Development Ordinance.~~

(Ord. No. 2017-1458, § 2, 9-12-2017)

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 in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: April 25, 2022
Second Reading: May 9, 2022
Third Reading: May 23, 2022

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall, County Administrator

Department: Administration

Date Requested to be on Agenda: 4/25/2022

Issue for Consideration:

Authorize the County Administrator to enter into a consulting contract with TischlerBise for an Impact Fee Study for the remaining parts of the county not currently assessed an impact fee. *At the April 11, 2022 Council Meeting, Council asked for this item to come back to council to evaluate limiting the study to certain fire districts not currently affected by the impact fee. Fire District Maps and current development fee area maps are attached to this agenda item.*

Points to Consider:

In February of 2020, the County engaged the firm of TischlerBise to perform a Development Impact Fee Study.

In April 2021 County Council adopted a Capital Improvement Plan and Impact Fee for new development in the County generally from Highway 5 to the northern border of the County.

Development Impact fees in South Carolina (section 6-1-910) are collected from new construction at the time the building permit is issued. The fees are one-time payments for new development's proportionate share of the capital costs of infrastructure.

Development impact fees may only be used for capital improvements or debt service for growth-related infrastructure. Under SC law, fees may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

At that time, the County Council did not study capital improvements, nor a cost model, for impact fees for the general southern part of the county due to perceived limited growth in that area of the County.

Development interest is now spreading County-wide, including in the southern end of the County. Understanding the impact future development will have on the County's infrastructure, and the fact it could take six months to a year to develop a capital improvement plan for the southern part of the County and evaluate an impact fee amount, County Council is being asked to consider initiating a new impact fee study.

At the last Council meeting, Council asked the County Administrator to get a scope and cost estimate for a proposed impact fee study.

Funding and Liability Factors:

TischlerBise conducted the County's last impact fee study and has a base knowledge and data to expand the original study they completed in 2021.

TischlerBise has provided County Administration with a project overview and fee proposal, including data collection with updated demographics, interviews with staff and key information holders, plus population and job growth since previous impact fee study, as well as updated facility inventory, capital plans for the areas, and updated public safety calls for service data.

The project can begin in May and conclude in August for a cost of \$56,050.

Council Options:

Authorize an impact fee study for \$56,050 in areas of the county not currently in an impact fee area to determine future growth areas and capital projects and identify potential fee amount.

Limit the fee study area to certain fire districts.

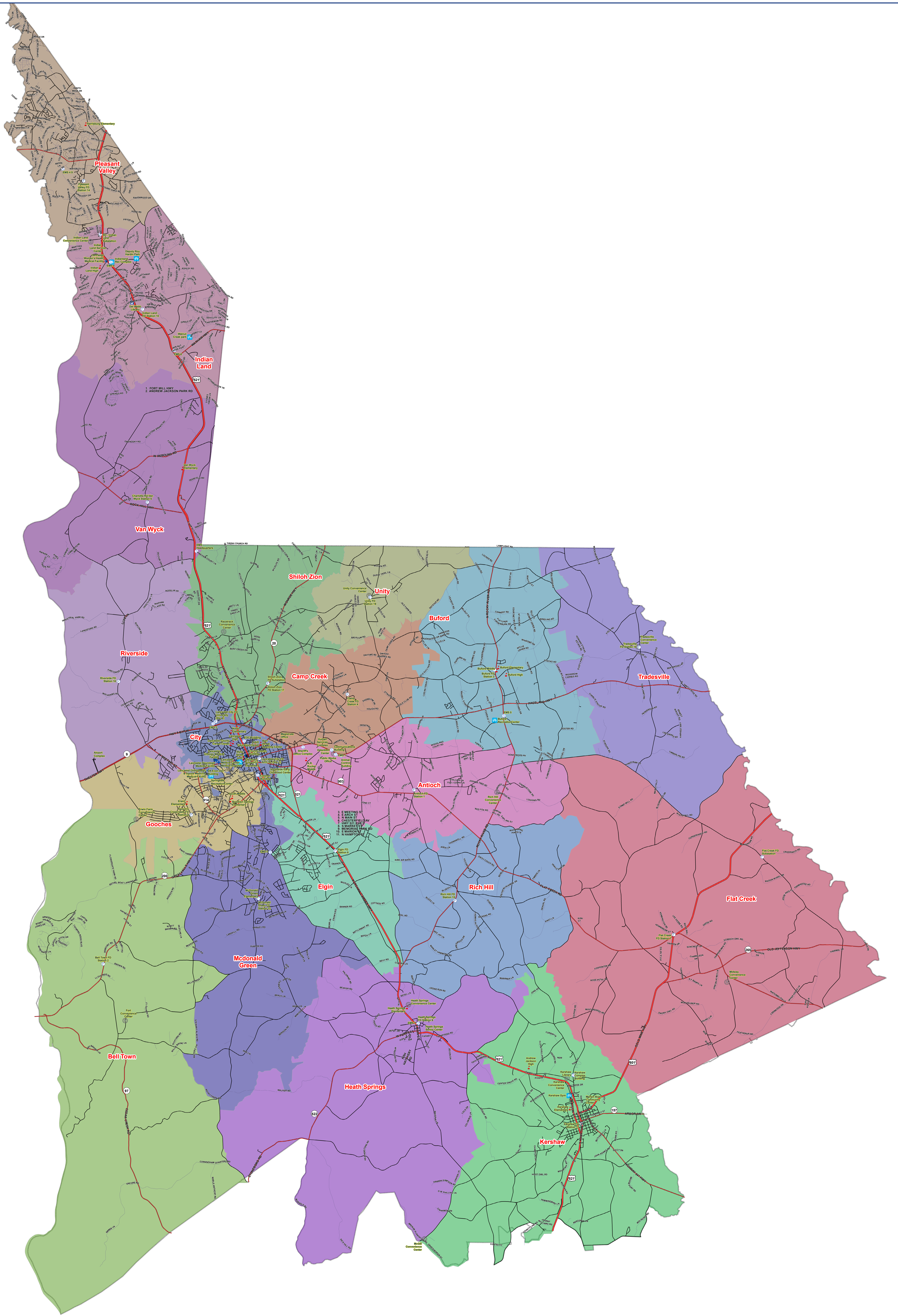
Decide not to do a study at this point in time.

Recommendation:

Authorize an impact fee study in the amount of \$56,050 in areas of the County not currently covered by an impact fee to help staff identify capital needs in the future growth areas of the county and determine what a potential impact fee amount could potentially be.

ATTACHMENTS:

Description	Upload Date	Type
Fire District Map #1	4/14/2022	Backup Material
Fire District Map #2	4/14/2022	Backup Material
Current Impact Fee Map for Sheriff Service Area	4/19/2022	Backup Material
Current Impact Fee Map for EMS Service Area	4/19/2022	Backup Material
Current Impact Fee Map for Fire Service Area #1 - Greater Panhandle Area except Pleasant Valley Fire District	4/19/2022	Backup Material
Current Impact Fee Map for Fire Service Area #2 - Pleasant Valley Fire District due to credit for fire fee district payment	4/19/2022	Backup Material
Current Impact Fee Map for Parks and Recreation Service Area	4/19/2022	Backup Material
Requested Information from Tischler-Bise	4/6/2022	Executive Summary

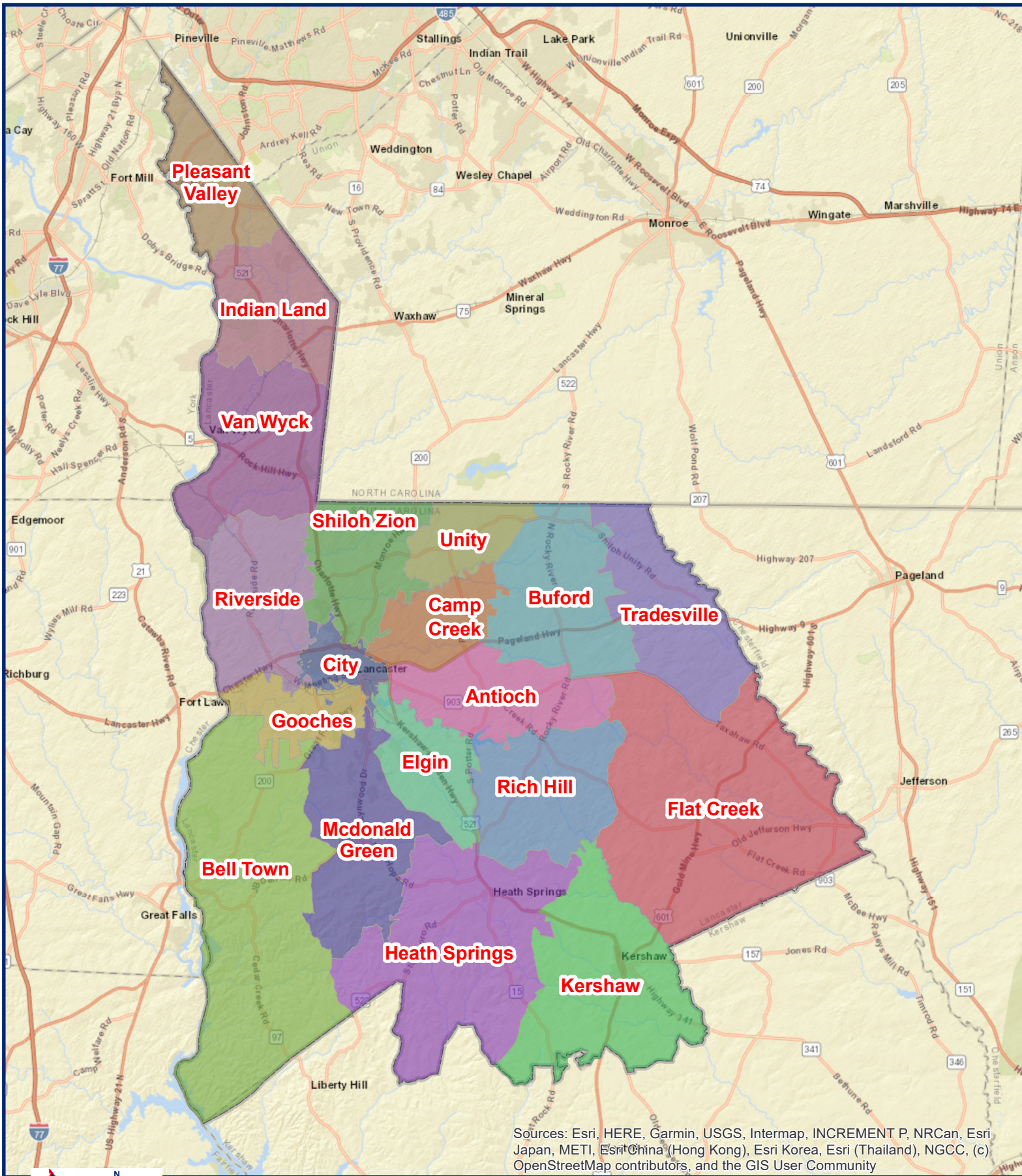


The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.

Lancaster County, South Carolina

Lancaster County Fire Districts



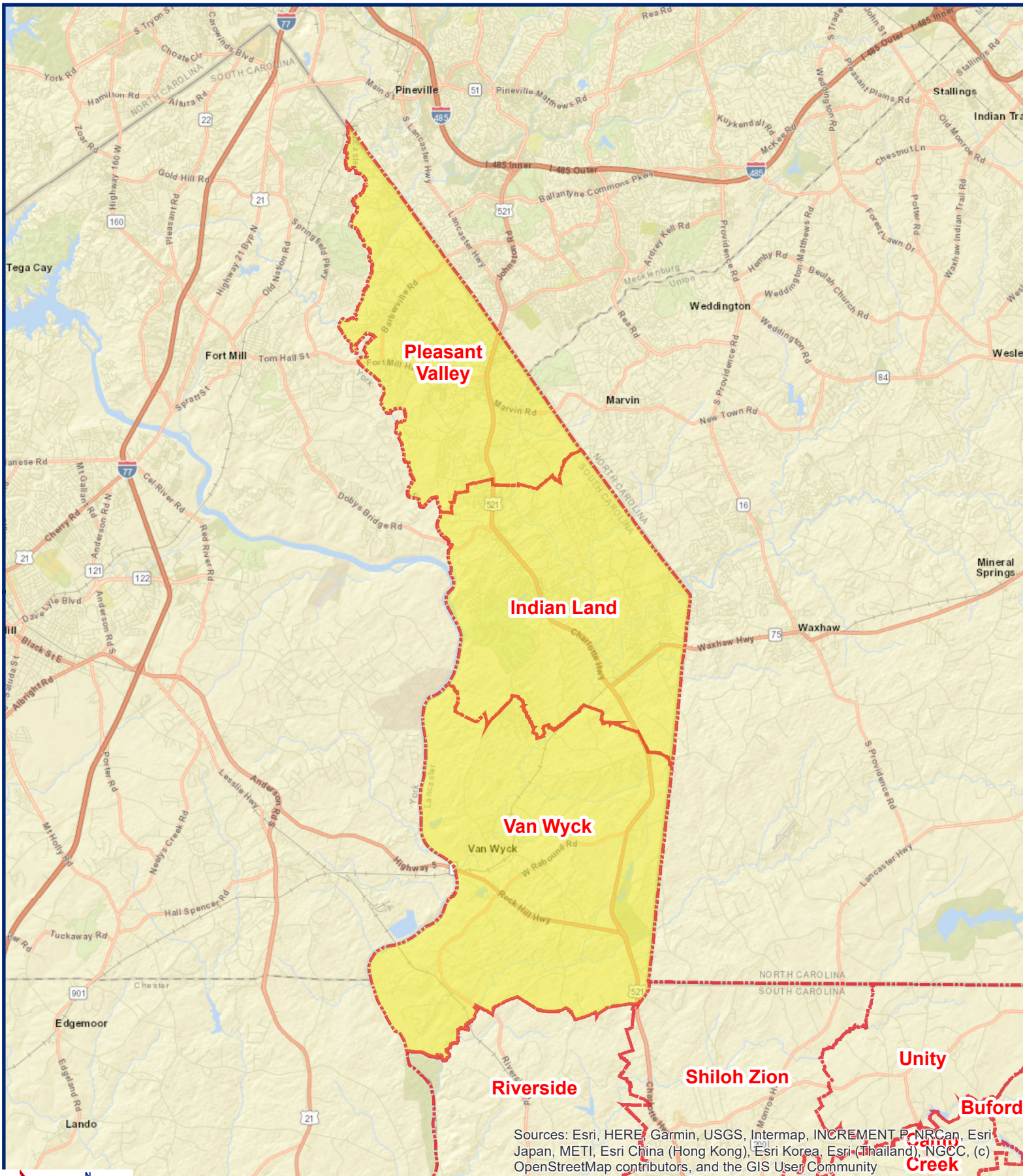


The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/prospect work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.

Lancaster County, South Carolina

Lancaster County Fire Districts





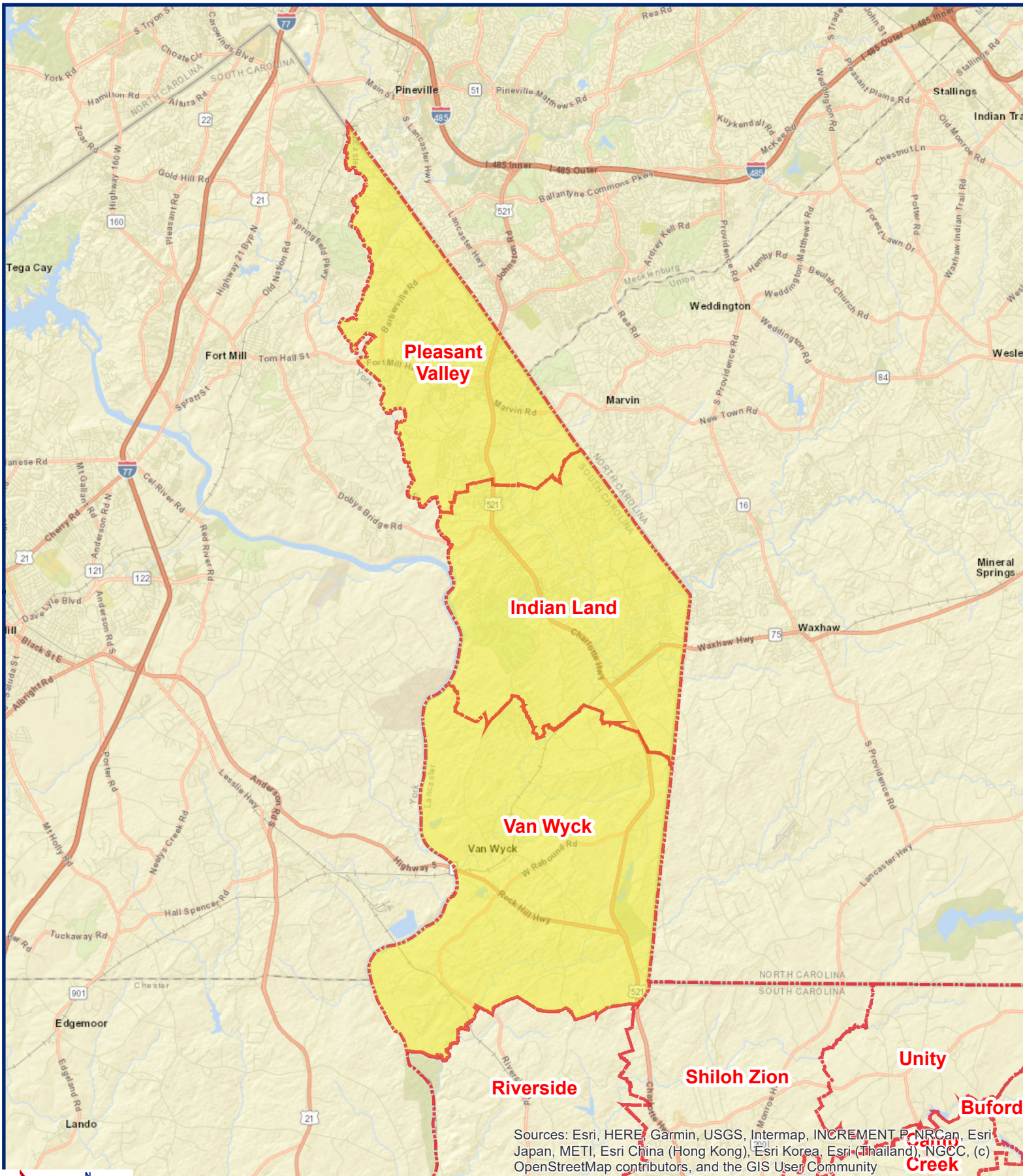
Lancaster County, South Carolina

Highlighting Impact Fee Zone for Sheriff Service Area

- Focus Area
- Lancaster County_Fire_Districts

0 0.75 1.5 3 4.5 6 Miles





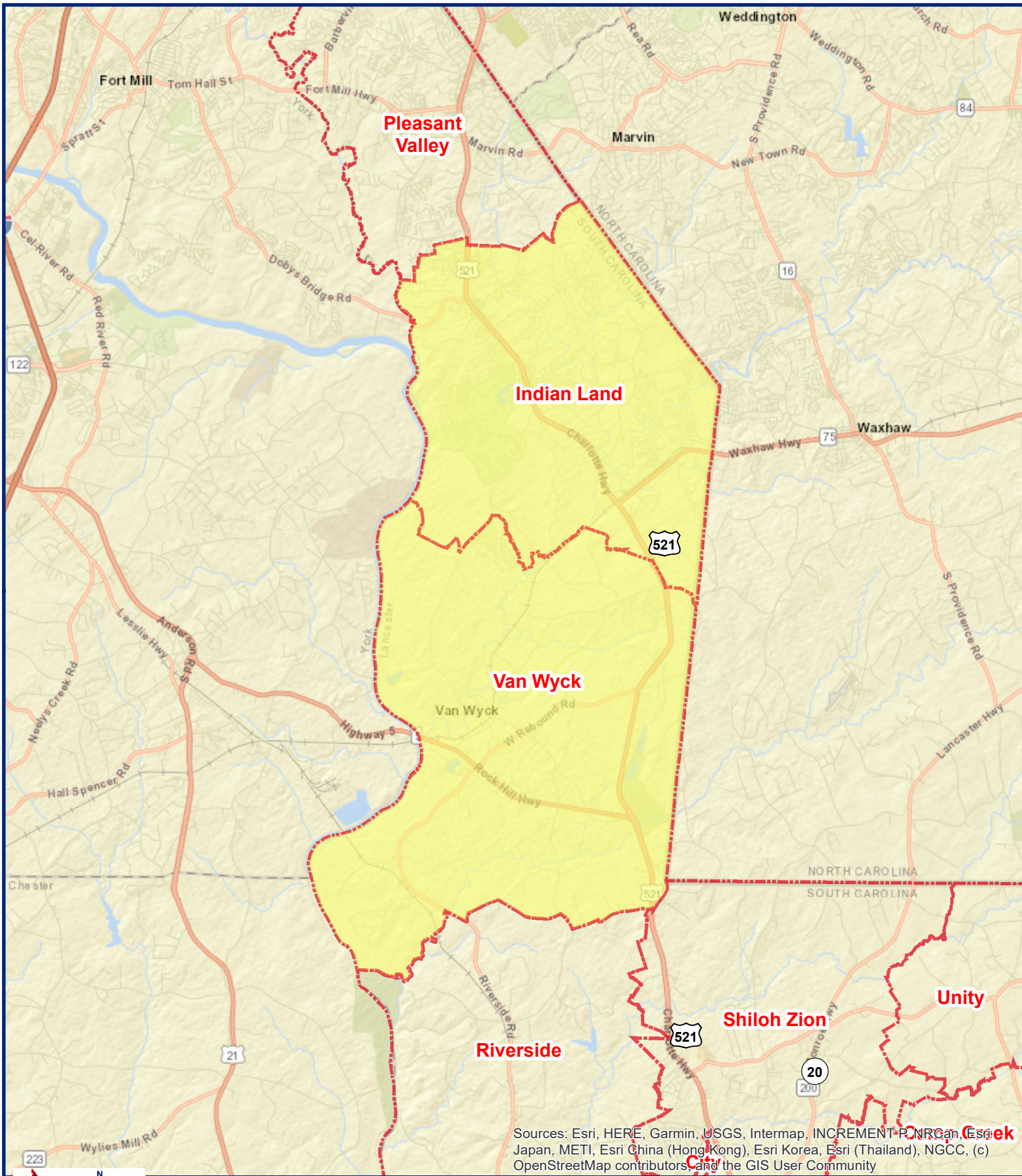
Lancaster County, South Carolina

Highlighting Impact Fee Zone for EMS_Fire Service Area

- Focus Area
- Lancaster County_Fire_Districts

0 0.75 1.5 3 4.5 6 Miles





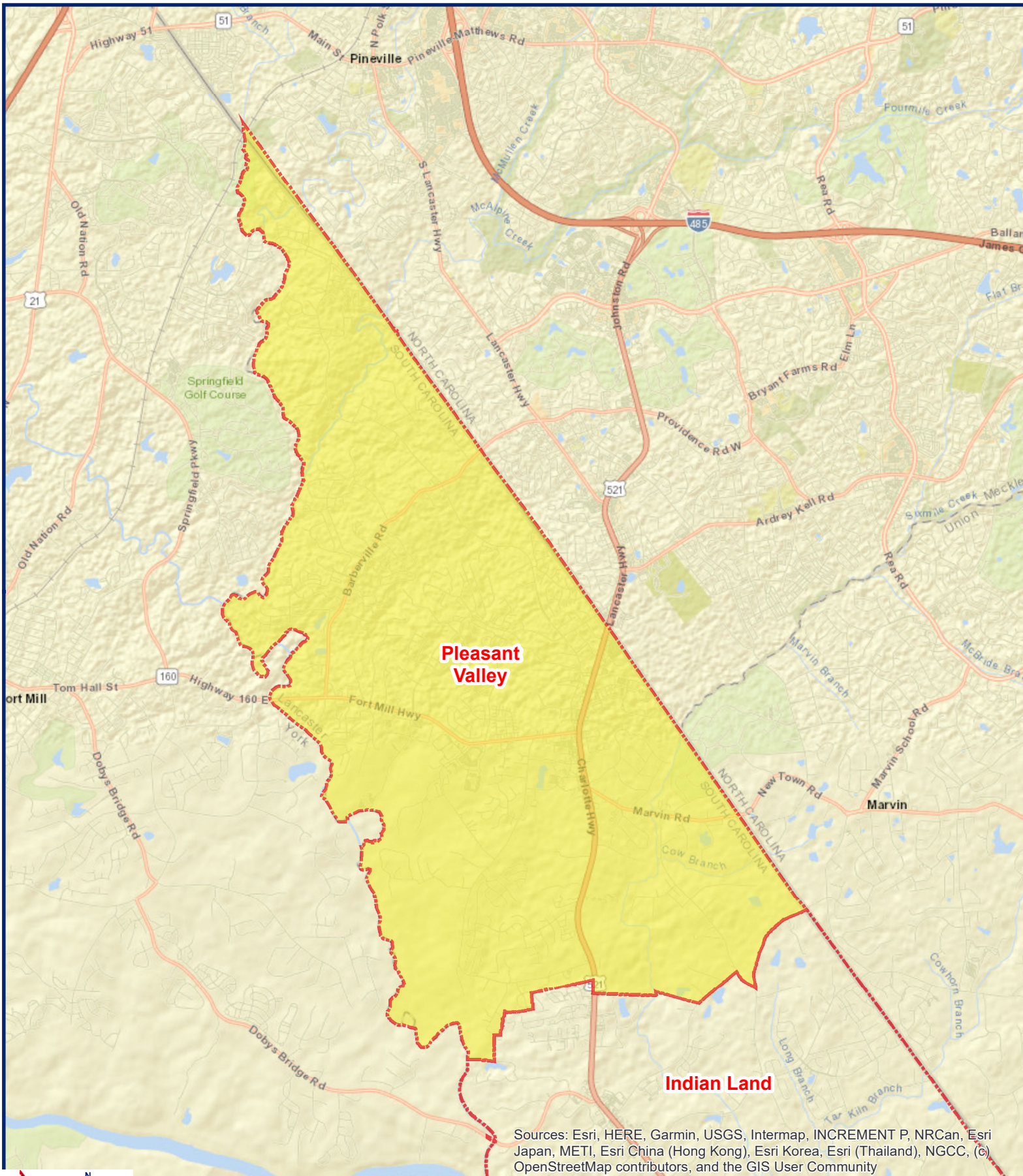
Lancaster County, South Carolina

Highlighting Impact Fee Zone for Public Safety Service Area

 Lancaster County_Fire_Districts

0 0.5 1 2 3 4 Miles





Lancaster County, South Carolina

Highlighting Impact Fee Zone for Pleasant Valley Fire District Service Area

- Focus Area
- Lancaster County_Fire_Districts

0 0.325 0.65 1.3 1.95 2.6 Miles





Highlighting Impact Fee Zone for Parks and Recreation Service Area



MEMORANDUM

TO: Dennis Marstall, Lancaster County, SC
Kimberly Belk, Lancaster County, SC

FROM: Colin McAweeney, TischlerBise
Carson Bise, AICP, TischlerBise

DATE: April 6, 2022

RE: Greater Lancaster & Southern Lancaster Development Impact Fee Study

We are pleased to respond to Lancaster County's request to conduct a development impact fee study for the areas not included in the 2021 development impact fee study. Growth in the panhandle of the county has expedited development in other areas of Lancaster County necessitating the impact fee program to be expanded as well. Our existing relationship with Lancaster County will offer a quicker data gathering period and an understanding of the nuances in the County's capital needs. The following memo provides a brief summary of data collection, methodologies, public education, and study cost & timeline. A more detailed scope of work will be submitted if the County Council chooses to move forward with the study.

PROJECT INITIATION / DATA ACQUISITION

TischlerBise will meet with County staff to review and discuss project goals and expectations related to the project, review (and revise if necessary) the project schedule, request data and documentation related to new proposed development, and discuss County staff's role in the project. Although TischlerBise has an extensive catalog of information from the 2021 study, demographics will need to be updated and interviews will be focused on capital needs in Greater Lancaster and Southern Lancaster. Example of preliminary data needs: population and job growth since previous impact fee study, updated facility inventory, capital plans for the areas, and updated public safety calls for service data.

Meetings:

- One (1) on-site visit to meet with County project management team/County staff as appropriate.
- Optional: During this visit, TischlerBise would recommend a work session with County Council to discuss intricacies of development impact fees.

PREPARE LAND USE ASSUMPTIONS AND DEVELOPMENT PROJECTIONS

TischlerBise will supplement its current county projections with data regarding growth throughout the county and specifically in the Greater Lancaster and Southern Lancaster. The purpose is to understand the current demographics of those areas as it relates to growth and development and determine the likely development future for the area in terms on new population and employment over the next 10-20 years.

Deliverables:

- TischlerBise will prepare a technical memorandum discussing the recommended land use factors and projections.

DETERMINE CAPITAL FACILITY NEEDS/SERVICE LEVELS/METHODOLOGIES

Identify Facilities/Costs Eligible for Impact Fee Funding. As an essential part of the nexus analysis, TischlerBise will evaluate the impact of development on the need for additional facilities, by type, and identify costs eligible for impact fee funding.

Identify Appropriate Level of Service (LOS) Standards. In some cases, levels of service may be consistent with the 2021 development impact fee study; however, it is important to consider geographic and characteristic differences between the panhandle and other areas of the county.

Identify Appropriate Methodologies. Similar to level of service calculations, there may be similarities between the panhandle, Greater Lancaster, Southern Lancaster. However, demand for services and capital planning is a function of location and demographic characteristics, all of which have a role in impact fee calculations.

Meetings:

- One (1) to two (2) meetings with County staff to discuss capital facility needs and levels of service. This will also be an opportunity to conducted a work session with the County Council.

Deliverables:

- “Storyboard” presentation on fee categories.
- Results integrated into Draft/Final Impact Fee Reports.

PUBLIC OUTREACH

South Carolina enabling legislation requires development impact fees to be presented to the County’s Planning Commission. The Commission will assist in the development and review of land use assumptions, capital improvement plans, and impact fees. This allows interested parties to understand assumptions and raise questions about the technical demographic, cost, revenue, credit and other data and supporting documentation that is being used in the calculation of impact fees. It will be an opportunity for these interested parties to understand the soundness and the reasonableness of the technical impact fee methodology. TischlerBise will also participate in other advisory committees and/or public outreach.

Meetings:

Two (2) meetings with Planning Commission.

PROPOSED CONSULTANT COST FOR IMPACT FEE STUDY

The table below summarizes our estimated consultant costs for the tasks reflected in our proposed scope of work and updates. This proposal is fixed fee and includes all project expenses. TischlerBise typically invoices on a monthly basis based on the percentage complete for each task.

PROPOSED FEE SCHEDULE FOR LANCASTER COUNTY, SOUTH CAROLINA				
Project Team Member:	Bise	McAweeney	Total	
Job Title:	Project Manager	Project Analyst	Hours	Cost
Hourly Rate*	\$210	\$190		
Project Initiation / Data Acquisition	8	8	16	\$3,200
Prepare Land Use Assumptions and Development Projections	4	28	32	\$6,160
EMS Impact Fee Calculation	14	41	55	\$10,730
Parks Impact Fee Calculation	14	41	55	\$10,730
Law Enforcement Impact Fee Calculation	14	34	48	\$9,400
Fire Impact Fee Calculation	14	51	65	\$12,630
Pubic Outreach	8	8	16	\$3,200
Subtotal:	76	211	287	\$56,050

* Hourly rates are inclusive of all costs.

PROPOSED SCHEDULE FOR IMPACT FEE STUDY

TischlerBise anticipates the study completing over four months. The following schedule is based on a project kick-off during the beginning of May, 2022. Delays and adjustments in schedule will reflect a later final report.

IMPACT FEE PROJECT SCHEDULE FOR LANCASTER COUNTY, SOUTH CAROLINA		
Tasks	Anticipated Dates	Meetings/Deliverables
Project Initiation/Data Acquisition	May, 2022	Data Request Memorandum
Prepare Land Use Assumptions and Development Projections	May - June, 2022	Technical Memorandum Outlining Recommended Land Use Assumptions
Determine Capital Facility Needs/Service Levels/Methodologies	June - July, 2022	"Storyboard" Presentation on Fee Options
Prepare Impact Report/Public Presentations	July - August, 2022	Draft and Final Impact Fee Report