

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

March 28, 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 - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Charlene McGriff**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
 - a. Update on Keep Lancaster County Beautiful Board's Community Clean Up Day - Presented by Mandy Catoe, Coordinator
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@lancastercsc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastercsc.org/>. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]
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 March 11, 2022 County Council Bus Tour and Special Meeting
 - b. Approval of Minutes from the March 14, 2022 County Council Regular Meeting

- c. 2nd 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. - ***Passed 7-0 at the March 14, 2022 County Council Meeting. - John DuBose***

8. Non-Consent Agenda

- a. Resolution 1187-R2022 regarding Authorization of Funding for Sheriff's Office Evidence Storage Facility
Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For An Evidence Storage Facility For The Lancaster County Sheriff's Office - ***Dennis Marstall***
- b. 3rd Reading of Ordinance 2022-1796 regarding Utilization of Excess Capital Project Sales Tax Collections from the First Reimposed Capital Project Sales Tax Pursuant to the State Budget Proviso
Ordinance Title: An Ordinance To Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act. - ***Passed 6-1 at the February 28, 2022 County Council Meeting (Allen Blackmon Opposed). Passed 5-2 at the March 14, 2022 County Council Meeting (Terry Graham and Billy Mosteller Opposed). - Dennis Marstall***
- c. Public Hearing and 2nd 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. - ***Passed 6-1 at the March 14, 2022 County Council Meeting (Allen Blackmon Opposed). - John DuBose***
- d. 2nd 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. - ***Passed 6-1 at the March 14, 2022 County Council Meeting (Allen Blackmon Opposed). - Dennis Marstall/John DuBose***
- e. 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. Presentation regarding the Roof Design and Drainage for the New Airport Terminal - Ken Holt, Holt Consulting, LLC
- b. 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.** 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).

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: Mandy Catoe / Keep Lancaster County Beautiful Committee

Department: Administration

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

The Keep Lancaster County Beautiful (KLCB) Committee hosted a county-wide, roadside litter clean up day on Saturday, March 19, 2022 and KLCB Coordinator, Mandy Catoe, will provide an update about the day.

Points to Consider:

Each of the seven County Districts held a clean up on the Clean Sweep Saturday. The captain for District 1 was Kristen Blanchard, the captains for District 2 were Mattie Lowery and Charquisha McGriff, the captains for District 3 were Tonia Flynn and Jason Truesdale, the captain for District 4 was Greg Gregory, the captain for District 5 was Dale Sullivan, the captains for District 6 were Mark Strickland and Cherie Ellis and the captain for District 7 was Clare McConaughay.

The four County High School athletic departments joined in to help clean up their districts.

Funding and Liability Factors:

The Committee asked for volunteers to help clean up the community so there were no funding or liability factors for the County.

Council Options:

This item is for information only for Council and citizens.

Recommendation:

This item is for information only 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: 3/28/2022

Issue for Consideration:

Approve or amend the minutes from the March 11, 2022 County Council Bus Tour and Special meeting.

Points to Consider:

The draft minutes from the March 11, 2022 County Council Bus Tour and Special meeting are attached for Council's review and consideration.

Funding and Liability Factors:

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

Council Options:

Council can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 3-11-2022 Bus Tour and Special Meeting	3/23/2022	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

March 11, 2022

12:00 PM

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

**LANCASTER COUNTY COUNCIL
Administration Conference Room, County
Administration Building, 101 North Main Street,
Lancaster, SC 29720**

SPECIAL MEETING MINUTES

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

Council Members Absent: Terry Graham and Larry Honeycutt.

Staff Members/Others present: Dennis Marstall, County Administrator; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director and van driver Michael Greene, Polygrapher with the Lancaster County Sheriff's Department.

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.

Call to Order

Chairman Steve Harper called the meeting to order at approximately 12:30 p.m. The meeting started late due to lunch running longer than expected.

Approval of the Agenda

Allen Blackmon moved to approve the agenda. Seconded by Billy Mosteller. Motion Passed 5-0.; Absent: Graham, Honeycutt

Discussion and Action Items

Growth Discussion #3 - Overview of Development Tour

Dennis Marstall provided a brief overview of the tour. He noted that he wanted Council to consider, as they were

touring these various sites, what type of development or communities they would like to see included in the updated Unified Development Ordinance (UDO). He provided Council with two handouts: (1) Lancaster County Community Driving Tour, which is attached as Schedule A to the written minutes in the Clerk to Council's office; and (2) a seven page handout of various developments: Nisbet Development (Potential); Kinsdale Development (Approved); Vantage Apartments (Approved/Active); Parkstone Apartments (Approved/Active); Hinson Ranch Development (Potential); and Promenade Phase II (Potential), and that seven page handout is attached as Schedule B to the written minutes in the Clerk to Council's office.

Council left the Administration Conference Room and boarded the van outside in the Administration Building parking lot.

Growth Discussion Tour Stops

- Council Members Depart for Tour from the Administration Building Parking Lot, 101 North Main Street, Lancaster, SC 29720

Council's van left the Administration Building parking lot at approximately 12:43 p.m. The van headed up Highway 521 to Highway 5. During this time, Council and staff discussed the time line for the bond approval for the Roselyn Residential Improvement District (RID), that the County is working to improve their relationship with the South Carolina Department of Transportation (SCDOT) and had just had a meeting with them, that the SCDOT requirements for a right turn lane were 200 feet and the potential impact that has on previous and upcoming developments, how the water and sewer infrastructure at Roselyn will potentially effect the area along Highway 521 and that the offsite force main sewer in the Roselyn development will likely ignite growth in that area, that staff is indicating to developers that there is no support for upzonings in the area surrounding Roselyn until the line is installed which could take 18 to 24 months, the possibility of having light industrial land next to the racetrack property instead of zoning it for residential property, the possibility of commercial development in front of the Roselyn property, properties that may be impacted by the Master Plan approval process that will come forward in the Interim Unified Development Ordinance (UDO), the approval process for the Interim UDO and whether it should come to Council at a Committee of the Whole (COW) meeting prior to it being heard by the Planning Commission, a brief overview of the process for the UDO rewrite and Interim UDO Ordinance and that Council needed an overview of the Ordinance and needed to understand the definition of terms that would be used in the new UDO.

As Council's van approached the Van Wyck area along Highway 5, staff pointed out the Bob Doster artwork/sculptures that they would see along the Van Wyck route. Council's van turned onto Steel Hill Road and then onto Van Wyck Road. Council and staff discussed the potential Nesbit development, which would be a large development of over 1200 acres that has riverfront acreage. Council and staff discussed potential impacts and issues that could arise due to the development: road and traffic impacts and fire protection impacts. Council and staff discussed the new business located at the Old Brickyard site in Van Wyck. Council and staff discussed how additional development triggers the need for additional County services and whether the County was ready to provide those additional services.

Site Visit - The Preserve at Tree Tops

- Address: 2198 Acadia Falls Lane, Lancaster, SC 29720
- Discussion of Cluster Subdivisions and their inclusion in the updated Unified Development Ordinance (UDO)

Council's van turned into the Tree Tops development. Staff pointed out that the development had sidewalks on both sides of the road, that the trees were between the sidewalks and the road, that the setbacks were 25 feet from the sidewalk and that the driveways were in the 25 foot range. Council and staff discussed parking in driveways, setbacks, sidewalks, open space that is usable such as a putting green, architectural styles and how and whether to incorporate these necessary attributes into the updated or interim Unified Development Ordinance (UDO). Council's van arrived at 2198 Acadia Falls Lane at approximately 1:17 p.m. Council and staff toured around the pickle ball courts, the pool, the cabins and the lake. Staff pointed out that there were no cul de sacs in the Tree Tops development. Council members got back in the van and left 2198 Acadia Falls Lane at approximately 1:55

p.m. No citizens or press showed up to participate or speak at this stop.

Site Visit - Massey Development

- Address: The Clubhouse, 1840 Felts Parkway, Fort Mill, SC 29715
- Discussion of comparable communities and the types of communities that should be included in the updated Unified Development Ordinance (UDO)

The van turned back onto Van Wyck Road towards Highway 521. During the ride to the Massey Development, Council and staff discussed the already approved Kinsdale development. Staff noted that Griffin Road was a County road and that although construction of the development had not yet started, that it would soon.

While continuing the van ride along Van Wyck Road and then north on Highway 521, Council and staff discussed the already approved Vantage Apartments that were already under construction. Staff noted that this complex would include 350 apartments and that this plan was not the original plan shown to Council as part of the Master Plan for the rezoning. Staff explained that the new interim Unified Development Ordinance (UDO) Master Plan Process would address this issue by requiring developers to provide Council with the plans that would actually be built. Also during the ride, Council and staff discussed the new sign at the Del Webb Library, the potential Promenade Phase II development and the construction at the Indian Land Recreation Center.

The van turned onto Doby's Bridge Road. Council and staff discussed the challenges with infrastructure in Lancaster County due to the topography.

The van turned into the Massey development. After touring around the development, Council arrived at 1840 Felts Parkway and disembarked from the van at approximately 2:21 p.m. Council and staff discussed the style of architecture in the development, the sidewalks in the development and the extra on-street parking in the development. Council got back in the van and left 1840 Felts Parkway at approximately 2:35 p.m. No citizens or press showed up to participate or speak at this stop.

As the van left the Massey development and turned back onto Doby's Bridge Road, staff pointed out the monumentation at the entrance to the development. The van proceeded to the Carolina Orchards development.

Site Visit - Carolina Orchards by Del Webb

- Address: Near 1277 Carolina Orchards Blvd., Fort Mill, SC 29715
- Discussion of comparable communities and the types of communities that should be included in the updated Unified Development Ordinance (UDO)

The van turned into the Carolina Orchards development by Del Webb. During the van drive around the development, Council and staff discussed the development's old world style architecture (Charleston look), the sidewalks along the outside of the development, the collector road that ran throughout the development, the banners on the lights, the center island medians, the smaller lot sizes, the usage of cul de sacs, that some cul de sacs had landscaping in the middle to soften them and the mix of color and textures in the development's architecture.

Council's van arrived at 1277 Carolina Orchards Boulevard at approximately 2:59 p.m. Council and staff toured the pool area, walkways, landscaping around the detention pond and outdoor grilling area of the development. Council got back in the van and left 1277 Carolina Orchards Boulevard at approximately 3:09 p.m. No citizens or press showed up to participate or speak at this stop.

As the van left the Carolina Orchards development and turned onto Highway 460, staff pointed out the community's branding, cohesiveness and the upscale landscaping.

The van continued down Highway 460 and then Highway 160 towards the next stop on Old Bailes Road.

Site Visit - Old Bailes Business Park

- Address: 9485 Old Bailes Road, Fort Mill, SC 29707 (Trail Head)
- Discussion of Potential Expansion of Part and Industrial and Economic Development versus Residential Development

While driving down Old Bailes Road, Council and staff discussed the possible expansion of the Bailes Ridge Corporate Park and whether the area should be zoned light industrial or residential. The van arrived at 9485 Old Bailes Road (the Old Bailes Trail head) at approximately 3:36 p.m. Council and staff disembarked from the van and toured the construction work going on at the culvert replacement project on Old Bailes Road. Council and staff boarded the van again and left 9485 Old Bailes Road at approximately 3:50 p.m. No citizens or press showed up to participate or speak at this stop.

Return to County Administration Building, 101 North Main Street, Lancaster, SC 29720

The van headed back down Old Bailes Road to Highway 160 and then onto Possum Hollow Road. Council and staff discussed the potential removal of the oak trees on Possum Hollow Road due to water infrastructure needs.

While riding back down Highway 521, staff reviewed the proposed rezoning request off Jim Wilson Road that would be heard at the next Council meeting. Council and staff also discussed the impacts of the potential Hinson Ranch development project, which would be a neighborhood with over 1000 homes.

Council requested to drive through the construction site for the Roselyn neighborhood. During the ride through the site, Council and staff discussed the regional park and that the Homeowners Association would provide the landscaping upkeep around the park.

Council arrived back at the County Administration Building at 101 North Main Street, Lancaster, South Carolina, at approximately 4:36 p.m.

Adjournment

Brian Carnes moved to adjourn the Bus Tour and Special meeting of Council. Seconded by Allen Blackmon. The motion to adjourn Passed 5-0.; Absent: Graham, Honeycutt. There being no further business, the Bus Tour and Special meeting adjourned at approximately 4:37 p.m.

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: 3/28/2022

Issue for Consideration:

Approve or amend the minutes from the March 14, 2022 County Council regular meeting.

Points to Consider:

The draft minutes from the March 14, 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 3-14-2022 County Council Regular Meeting	3/24/2022	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

March 14, 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, Steve Harper, Larry Honeycutt, Charlene McGriff, Billy Mosteller and Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Veronica Thompson, Financial Services Director; Kimberly Belk, Budget Director; Jamie Gilbert, Economic Development Director; Jeff Catoe, Public Services Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Scott Hernandez, IT Director; April Williams, Library Director; Hal Hiott, Parks & Recreation Director; Jeff Hammond, Clerk of Court; Chad Catledge, Perception Builders; 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 6:02 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Brian Carnes

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

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff.

Allen Blackmon moved to amend the agenda to include a discussion item on financial matters of the County. Seconded by Brian Carnes. Motion to Amend Passed 7-0. Steve Harper indicated the item would be added to the Agenda as item 10b.

Brian Carnes moved to amend the agenda and remove the February 28th minutes from under the Consent Agenda and add to the Non-Consent Agenda for a correction. Seconded by Larry Honeycutt. Motion to Amend Passed 7-0. Steve Harper indicated the item would be item 9a1 on the Non-Consent Agenda.

The Motion to Approve the Agenda as Amended Passed 7-0.

Special Presentations

Buck Wilson, Midlands Health Director, presented Lancaster County with the Smoke-Free Palmetto Certification.

Khaleek Chapman, Chair of the Health and Wellness Commission, and Karen Nichols, Executive Director of the Upper Midlands Rural Health Network, gave an update from the Health and Wellness Commission on the Getting Further Faster Project grant. Other members in attendance from the Health and Wellness Commission were Kylie Craig and Robin Dawson.

Executive Session

Two 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 Proposed Contractual Matters. SC Code 30-4-70(a)(2).*

Larry Honeycutt moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. At approximately 6:15 p.m., Council went into Executive Session to discuss the following items: (1) Legal briefing regarding a pending or threatened litigation matter, pursuant to South Carolina Code 30-4-70(a)(2); (2) discussion of proposed contractual matters, 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 7:00 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received a legal briefing regarding a pending or threatened litigation matter and had a discussion of proposed contractual matters. He also noted that, during Executive Session, no decisions were made and no votes were taken.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments, for which some provided written copies of their comments to Council:

Greg Thomas, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He asked for consideration in leaving the area lower density to keep green belt behind house.

Peter Baisch, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He noted infrastructure is overwhelmed and overburdened.

Ryan McLemore, Kershaw, SC, Town Administrator spoke regarding Cleveland Street being in terrible shape. He noted this street is one of the main highways in the area which is used for one of the largest businesses in the town.

Carol Bert, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. She noted that if the area is rezoned, it will cause drainage problems; as well as damage to roads and increased traffic. She provided a one page photo, which is attached as Schedule A to the written minutes in the Clerk To Council's Office.

Kenneth Michael Mull, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule B to the written minutes in the Clerk To Council's Office.

Douglas E. Wolf, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule C to the written minutes in the Clerk to Council's Office.

Robert Brown, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule D to the written minutes in the Clerk to Council's Office.

Tindall Yarborough, Lancaster, SC, spoke regarding the homeless situation and the Carriage Inn crisis. She also noted that there is no affordable housing in Lancaster County.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items 8a. and 8c. [as listed in the Agenda package, which are the same as Item a. and Item b. listed below]. Seconded by Charlene McGriff. Motion Passed 7-0.

- a. **Approval of Minutes from the February 16, 2022 County Council Committee Of The Whole Meeting**
- b. **3rd Reading of Ordinance 2022-1795 regarding Amending the Unified Development Ordinance (UDO) in Section 7.2.4. regarding Off-Street Parking and Loading Requirements**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.2.4., Off-Street Parking And Loading Requirements, To Modify Minimum Required Parking Spaces.
- *Planning Department Case Number: UDO-TA-2021-2981.*

Non-Consent Agenda

Approval of Minutes from the February 28, 2022 County Council Regular Meeting

Charlene McGriff moved to approve the February 28, 2022 minutes. Seconded by Larry Honeycutt.

Brian Carnes moved to amend the February 28th minutes under Economic Incentives. He stated pertinent information about retaining an attorney or site consultant to perform a study was discussed but not included in the minutes. Seconded by Allen Blackmon. Motion to Amend Passed 7-0.

Motion to Approve the Amended Minutes Passed 7-0.

Resolution 1193-R2022 regarding Authorization of Funding for EMS Headquarters Bay Construction, acquisition of a Mass Transport Bus for EMS, Renovations at the Barnett Building Renovation, Springdale Recreation Center Parking Lot Reclamation and Addition, and an Addition for the Public Defender's Office

Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For EMS Headquarters Bay Construction, Acquisition Of A Mass Transport Bus For EMS, Renovations At The Barnett Building, Springdale Recreation Center Parking Lot Reclamation And Addition, And An Addition For The Public Defender's Office.

Charlene McGriff moved to approve. Seconded by Brian Carnes.

Kim Belk provided a budget overview for five (5) projects along with the prioritized list from the previous meeting. The power point that she utilized for this presentation was attached to the agenda package. She noted that if Lancaster County approves funding for these projects, there will be \$5.7 million remaining in American Rescue Plan Act (ARPA) funds.

Allen Blackmon asked for Council to discuss each item. Council noted the EMS Headquarters Bay Construction is needed but the acquisition of a Mass Transit Bus isn't a priority and other items should be moved ahead.

Kim Belk noted the renovations at the Barnett Building were still needed on the 2nd floor in order for the IT department to move over. It was noted that the Nurse Practitioner, the Health Department, Procurement and storage space were located on the 1st floor and Parks and Recreation office staff was housed on the second floor. There was discussion regarding the two elevators in the building; one elevator was not working and it was unclear if it was needed; the other elevator works.

Kim Belk noted Springdale Recreation Center parking lot was in disrepair and the Melvin Steele parking lot would be paved in addition. Hal Hiott noted the parking lot was 15 years old and Scott Edgar was working with them to correct drainage problems. It was noted that Heath Springs soccer field was in need of gravel to correct a mud problem.

Kim Belk noted the Public Defender's Office addition would expand their current offices into the future courtroom space. She noted this space could still be utilized as a courtroom, just smaller. She stated this expansion would allow for all staff and future growth.

Billy Mosteller requested the Evidence Storage Building for the Sheriff's Office be added to the next agenda for discussion.

Brian Carnes moved to withdraw the original Motion. Seconded by Charlene McGriff.

Brian Carnes moved to divide the question. Seconded by Charlene McGriff. Motion Passed 7-0.

Charlene McGriff moved to approve the EMS Headquarters Bay Construction. Seconded by Allen Blackmon. Motion Passed 7-0.

Allen Blackmon moved to defer action on the acquisition of the Mass Transport Bus for EMS until a later date. Seconded by Charlene McGriff. Motion Passed 7-0.

Larry Honeycutt moved to approve Barnett Building renovations. Seconded by Charlene McGriff. Terry Graham stated he would like more information on the Barnett Building renovations before he would consider approving. Mr. Graham moved to defer consideration on the Barnett Building renovations until the numbers were provided. Seconded by Allen Blackmon. Motion to Defer Passed 7-0.

Brian Carnes moved to approve the reclamation and addition to the Springdale Recreation Center Parking Lot.

Seconded by Billy Mosteller. Motion Passed 7-0.

Larry Honeycutt moved to approve an addition for the Public Defender's Office. Seconded by Charlene McGriff. Motion Passed 7-0.

Dennis Marstall noted there were other potential projects. Steve Harper noted other ARPA items for funding would be discussed at the April Committee of the Whole meeting. Council discussed the cycle of cars for the Sheriff's Office.

Public Hearing and 2nd Reading of Ordinance 2022-1796 regarding Utilization of Excess Capital Project Sales Tax Collections from the First Reimposed Capital Project Sales Tax Pursuant to the State Budget Proviso

Ordinance Title: An Ordinance To Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act.

Jeff Catoe discussed the roads list for the County maintained roads which were included on the Proviso. He noted Cleveland Street is a state road and was included on the Capital Project Sales Tax #3. He explained that staff recommended that the County Transportation Commission decide the roads to pave on the Proviso. There was discussion on Cleveland Street and Hector Road. Jeff Catoe stated that the Highway 521 widening project would go through Rock Hill Fort Mill Area Transportation Study (RFATS) and the South Carolina Department of Transportation (SCDOT). Steve Harper stated the Proviso would be determined by end of April.

Steve Harper opened the Public Hearing for Ordinance 2022-1796 at approximately 8:28 p.m.

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

There were approximately 30 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 8:28 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

John DuBose stated the approving ordinance was to complete the library projects; the Highway 9 pedestrian connections around the University of South Carolina Lancaster; phase 2 of the Lindsay Pettus Greenway; and the list of county maintained roads. He noted that all other funds would go to the Detention Center.

Allen Blackmon moved to amend the road list and add Cleveland Street to the list of roads. Seconded by Brian Carnes. Terry Graham stated the County should use State money for Cleveland Street.

Motion to Amend Passed 4-3; Ayes: Blackmon, Carnes, Harper, Honeycutt; Nays: Graham, McGriff, Mosteller

Brian Carnes asked about the use of the library after hours. Director April Williams noted non-profit groups are allowed to use library facilities after hours. She noted these groups submit information and are issued security badges to get inside after hours.

Brian Carnes noted he reserves the right to add Highway 521 widening project once the County gets additional information.

The 2nd Reading of Ordinance 2022-1796 as Amended Passed 5-2; Ayes: Carnes, Harper, Honeycutt, McGriff, Blackmon; Nays: Graham, Mosteller

Public Hearing and 1st Reading of Ordinance 2022-1793 regarding Rezoning Approximately 90.43 Acres of Property Located On Jim Wilson Road, Fort Mill, SC, from RN to MDR (Applicant Realty Advisory Corporation)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 90.43 Acres Of Property (TMS# 0014-00-043.00), Located On Jim Wilson Road, Fort Mill, South Carolina, From RN, Rural Neighborhood District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-2643.***

Rox Burhans reviewed the presentation from the agenda packet. There was discussion on the tree buffers, Traffic Impact Analysis (TIA), Medium Density Residential (MDR) zoning, and the pistol/rifle range. Brandon Pridemore, with R. Joe Harris & Associates, on behalf of Realty Advisory, was present and addressed Council regarding buffers, erosion, flooding, and traffic. He noted that Lancaster County has requirements in place to protect wetlands/streams and that they will abide by the TIA.

Steve Harper opened the Public Hearing for Ordinance 2022-1793 at approximately 8:51 p.m. He noted that residents spoke at Citizens Comments earlier but that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 30 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:

One written comment from Lance and Kim Reynolds, Lancaster, SC, was submitted and read by Administrator Dennis Marstall in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. The written comments are attached as Schedule E to the written minutes in the Clerk to Council's Office.

Steve Harper closed the Public Hearing at approximately 8:52 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Terry Graham stated his major concern was traffic issues. Allen Blackmon noted the County seems to be moving toward MDR for the entire panhandle area.

The 1st Reading of Ordinance 2022-1793 Failed 0-7. Ayes: None; Nays: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon

Public Hearing and 1st Reading of Ordinance 2022-1797 regarding Rezoning Approximately 9.6 Acres of Property from Low Density Residential (LDR) and Neighborhood Business (NB) to General Business (GB) District (Applicant Panhandle Partners)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 9.6 Acres Of Property (TMS# 0016-00-047.00), Located On Charlotte Highway, South Carolina, From LDR, Low Density Residential And NB, Neighborhood Business Districts, To GB, General Business District. - ***Planning Department Case Number: RZ-2021-1921.***

Rox Burhans reviewed the presentation from the agenda packet.

Council took a break at approximately 9:13 p.m. Steve Harper called the meeting back to order at approximately 9:22 p.m.

Rox Burhans continued with the presentation from the agenda packet. The applicant, Panhandle Partners, LLC addressed County Council. They noted they offer a high quality storage project to the area. They also noted their project shouldn't negatively impact traffic.

Steve Harper opened the Public Hearing for Ordinance 2022-1797 at approximately 9:39 p.m.

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

There were approximately 6 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 9:39 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Terry Graham and Charlene McGriff noted the citizens came together and stated what they want for the area and Lancaster County adopted the small area plan and the County should abide by that plan. Rox Burhans noted this property was in the highway corridor overlay.

The 1st Reading of Ordinance 2022-1797 Failed 1-6. Ayes: Harper; Nays: Carnes, Graham, Honeycutt, McGriff, Mosteller, Blackmon

Public Hearing and 1st 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.

John DuBose explained that Council approved a reciprocal easement agreement for the Indian Land Recreation Center project and the adjacent Goodwill project which allowed for installation and construction of water and sewer infrastructure that served both projects. He noted the infrastructure was in the ground and was complete. He stated this Ordinance would grant the easement to Lancaster County Water & Sewer District for the installed infrastructure. He also noted there was an associated dedication agreement that was not covered in the grant easement. He noted that if the easement grant was approved, then the separate dedication agreement could then be approved by the Administrator and that it would dedicate all inground infrastructure in the easement area to Lancaster County Water & Sewer District. He noted this was a requirement of the Water & Sewer District to service both projects.

Steve Harper opened the Public Hearing for Ordinance 2022-1798 at approximately 9:45 p.m.

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

There were approximately 4 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 9:45 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

The 1st Reading of Ordinance 2022-1798 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st 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.

Brian Carnes moved to approve. Seconded by Billy Mosteller.

John DuBose stated this was an easement grant to Duke Energy Carolinas, LLC to provide electrical service infrastructure to the Indian Land Soccer Complex. He explained that Duke would be moving an existing pole and on-ground transformer. He noted that there was no exhibit because this easement was going to be a blanket easement for utilities. He further explained that Duke Energy was agreeable if the County wanted to survey the actual easement area to be set forth but that the County would be responsible for paying for the survey. He stated the easement would be to service the soccer complex and that utilities favor these blanket easements because it allows for future improvements without having to get another easement grant. He noted that the rough location of

the easement area was attached in the agenda package.

The first reading of Ordinance 2022-1800 Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

1st 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.

Brian Carnes moved to approve. Seconded by Charlene McGriff.

John DuBose stated this Ordinance would approve the purchase of approximately 64 acres of rural property for a new Lancaster County Detention Center. He noted the Detention Center was the first project on Capital Sales Tax Project #3. He stated the subject property was located at 1666 Pageland Highway and was adjacent to the Lancaster County Sheriff's Office. He noted the potential purchase price set forth in the contract was \$1.816 million. He advised that the property was appraised on November 11, 2021, per our county code and the appraisal returned a value \$2.5 million. He stated due diligence has occurred. He noted soil borings and wetlands analysis, old phase one was clean for the property. He stated there was a request and authorization within the Ordinance to waive phase I Environmental assessments for four (4) residential properties that front Pageland Highway. He noted those homes were intended to be demolished and that area would provide the ingress/egress for the site. He noted since the County was not planning to occupy that portion of real property, spending money on environmental assessments would not be a wise use of funds, even though it was required in phase I under the County Code. He stated there was a request for a waiver for that. He noted the area is zoned light industrial and general business and would need to be rezoned. He stated staff has been consulted and believes it should be zoned as Institutional. He noted the seller was retaining a 1.136 acre parcel of the property because it was their existing business and would retain the light industrial zoning. He noted the expiration date of due diligence was April 12 and closing date was April 26.

Allen Blackmon stated, for the record, he was glad the County was conforming with procurement statutes. He also stated for the record, he would like to see the County do more borings where the facility was going to go and see the Attorney push due diligence back for Council. He also noted he wished this would have come to Council before tonight with more information in advance.

The 1st Reading of Ordinance 2022-1801 Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

Discussion and Action Items

Approval of Appointment to the Accommodations Tax Advisory Committee

- Christopher Manor to the Lancaster County Accommodations Tax Advisory Committee as one of the lodging representatives

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

Financial Matters

Allen Blackmon reviewed the comparison handout he provided to Council. This handout is attached as Schedule F with the written minutes in the Clerk To Council's Office. He noted he believed the County budget was fluffy. He proceeded to review the comparison for Lancaster County as compared to other counties in South Carolina.

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

Executive Session was held at the beginning of the Council meeting.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. Seconded by Charlene McGriff. Motion Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 10:07 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1798

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

Department: Attorney

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Whether to grant a water and sewer easement to Lancaster County Water and Sewer District (LCWSD) for the provision of water and sewer services to the Indian Land Recreation Center

Points to Consider:

The Indian Land Recreation Center is being renovated and improved and adjacent property owned by E&B of Indian Land, LLC (E&B) is being developed with both projects requiring improvements to the water and sewer utilities serving each project. By Ordinance 2021-1718 Lancaster County Council approved a reciprocal easement agreement with E&B that, among other things, allowed for construction and installation of water and sewer infrastructure.

LCWSD, as owner and operator of the infrastructure now requires an easement grant from Lancaster County for the water and sewer infrastructure serving Indian Land Recreation Center.

The form of the easement agreement with LCWSD is attached as Exhibit 1 to the Ordinance.

Funding and Liability Factors:

Not applicable.

Council Options:

Approve or disapprove of the Ordinance granting an easement to LCWSD.

Recommendation:

Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1798	2/23/2022	Ordinance
Exhibit 1 to Ordinance 2022-1798, Easement Agreement	2/23/2022	Exhibit
Exhibit B to Easement Agreement	2/23/2022	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2022 - 1798

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.

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 0013-00-047.01 (the “subject property”) containing the Indian Land Recreation Center.

(2) The subject property is being renovated by Lancaster County and an adjacent property owned by E&B of Indian Land LLC (tax parcel number 0013-00-048.04) is being developed. Both projects require infrastructure installation for water and sewer services and upgrades and easement grants to Lancaster County Water and Sewer District (LCWSD) are required.

(4) The water and sewer easement upon the subject property will encumber 7,541 sq. feet (0.173 acres). The sewer easement is attached hereto and incorporated herein by reference as Exhibit 1. Exhibit A to the aforesaid sewer easement is the plat showing the precise location of the sewer easement.

(5) County staff have confirmed that the easement grant will not adversely impact utilization of the subject property for a recreation center.

(6) The easement grant is in furtherance of providing for the public health and safety of the citizens of Lancaster County as the easement is necessary and desirable for the provision

of water and sewer services by LCWSD to Lancaster County for the Indian Land Recreation Center.

(7) It is the purpose of this ordinance to approve the easement grant from County to LCWSD.

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

Council authorizes and approves the grant of an easement (the “Easement”) to LCWSD for the construction maintenance and repair of a variable width water and sewer easement upon Tax Map No. 0013-00-047.01 as described in Section 1. The form of the Easement is attached to this ordinance as Exhibit 1 and all terms, provisions and conditions of the Easement are incorporated herein by reference as if the Easement were set out in this ordinance in its entirety.

The County Administrator is authorized to execute and deliver the Easement on behalf of the County. By adoption of this ordinance, Council approves the Easement and all of its terms, provisions and conditions. The Easement 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, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement 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.

AND IT IS SO ORDAINED, 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: March 14, 2022
Second Reading: March 28, 2022
Third Reading: April 11, 2022
Public Hearing: March 14, 2022

Approved as to form:

John DuBose, County Attorney

Exhibit 1 to Ordinance No. 2022 - 1798

**Form of Sewer Easement
Lancaster County to Lancaster County Water and Sewer District**

Tax Map No. 0013-00-047.01

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this “Easement”) is made and entered into this ____ day of _____, 2022, by and between **Lancaster County Water and Sewer District**, a special purpose district created under the laws of the state of South Carolina, with an address of 1400 Pageland Hwy, Lancaster, South Carolina, 29720 (“Grantee”), and **Lancaster County**, with an address of 101 North Main Street, Lancaster, South Carolina 29770 (“Grantor”).

RECITALS:

A. Grantor is the owner of that certain +/- 2.62 acre parcel of land located at 8288 Charlotte Highway, Indian Land, South Carolina, more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the “Servient Estate”).

B. Grantee is a special purpose district which intends to accept for dedication water and sewer lines that transverse a portion of the Servient Estate and connect to other infrastructure of Grantee.

C. Grantor has agreed to grant and convey to Grantee, for the benefit of the Grantee, certain easement rights as set forth below in the Easement.

NOW, THEREFORE, for and in consideration of the provision of water and sewer service, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby covenant and agree as follows:

1. Grant of Easement. Grantor hereby grants, bargains, sells and conveys to Grantee, its successors and assigns forever, a perpetual, non-exclusive appurtenant easement over, through, under and across the Easement Area (defined below) for the purpose of laying, constructing, installing, inspecting, operating, using, maintaining, repairing, removing, enlarging, and/or reconstructing the water line and sewer line and related facilities, including, without limitation, pipes, fixtures, equipment, meters, pumps, connections and other personal property (collectively, “Facilities”) for the conveyance and transfer of water and collection of sewer, as may be reasonably necessary, appropriate or desirable for Grantee’s use of the water and sewer lines, TOGETHER WITH (i) a perpetual, non-exclusive appurtenant easement and right for access, ingress, and egress over and across the Easement Area for Grantee’s exercise of the easement rights herein conveyed; and (ii) a perpetual, non-exclusive appurtenant easement and right to clear and keep the Easement Area free of trees, structures, buildings, fixtures, wells, septic tanks, underground storage tanks, garbage, or any type of personal property which may interfere in any way with or endanger the water and sewer lines, the Facilities or Grantee’s rights under this Easement provided, however, Grantor may pave over the Easement Area in connection with the construction of a parking lot, roadway or driveway (if such paving does not interfere with the rights given to Grantee hereunder).

The “Easement Area” is that certain strip of land shown as “WATER AND SEWER EASEMENT (WIDTH VARIES) 8,032 SQ. FT. 0.184 ACRES” on that certain plat of survey by Mark Smith, SC PLS L-23574 of Burton Engineering Associates, Inc., dated February 2, 2022, and entitled “WATER AND SEWER EASEMENT EXHIBIT” (the “Plat”), with the metes and bounds thereof shown on the Plat, a copy of which is attached hereto as **Exhibit B**. Nothing herein is designed or intended to give Grantee any right, property or interest in or to the storm drainage easements or infrastructure depicted on the Plat.

2. Covenants and Certifications of Grantor. Grantor hereby covenants to Grantee that (i) it is lawfully seized and presently possessed of both the Servient Estate and the Easement Area, (ii) it has a good and lawful right to convey the rights granted to Grantee under this Easement, (iii) both the Servient Estate and the Easement Area are free from encumbrances except for encumbrances and restrictions of record and such other matters as are set forth in this Easement Agreement, (iv) Grantor does hereby bind the Grantor and the Grantor’s successors and assigns to warrant and forever defend all and singular the Servient Estate and the Easement Area unto Grantee, and Grantee’s successors and assigns, against Grantor and Grantor’s successors lawfully claiming, or to claim the same, or any part thereof, but against no others, and (v) Grantor has not done or suffered anything whereby the Servient Estate and the Easement Area have been encumbered by Grantor, except as disclosed in this Easement Agreement.

3. Reservation by Grantor. Subject to the rights of Grantee hereunder, Grantor reserves the right to use the Easement Area for any purposes not inconsistent with or detrimental to Grantee’s rights under this Easement; provided, however, no buildings or similar structures may be constructed on or within the Easement Area.

4. Covenants and Duties of Grantee. Grantee agrees to: 1) restore all areas within the Easement Area that are disturbed as a result of construction or maintenance activities to a manageable condition, including grading such areas to a smooth surface free of ruts, with uniform slope to prevent ponding, but such restoration shall not be required to result in adequate compaction for paving or require repair and / or replacement of areas that may be paved after installation of water line and sewer line and other related facilities; and 2) comply with all applicable federal, state and other governmental laws and regulations regarding wetlands, hazardous materials, endangered species, navigable streams, and potential burial and other archaeological sites (collectively, the “Applicable Laws”) in the installation and maintenance of the water line and sewer line.

5. Miscellaneous.

(a) Binding Effect. The rights granted herein shall be non-exclusive and shall run with title to the Servient Estate, and shall be binding upon and inure to the benefit of and be enforceable by the heirs, legal representatives, successors and assigns of Grantor and Grantee.

(b) Remedies; Attorneys’ Fees. If either Grantor or Grantee breaches any of its obligations under this Easement, the non-breaching party will have available to it all remedies

available at law or equity, including the right to recover reasonable costs and expenses of suit, including, without limitation, reasonable attorneys' fees.

(c) Severability. The invalidity of any one of the covenants, agreements, conditions or provisions of this Easement or any portion thereof shall not affect the remaining portions thereof and this Easement shall be construed as if such covenant, agreement, condition or provision had not been inserted herein.

(d) Entire Agreement. This Easement constitutes the entire agreement and understanding between Grantor and Grantee relating to the subject matter hereof and may not be amended, waived or discharged, except by instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

(e) Authority. Each party hereto represents and warrants to the other parties that the execution of this Easement and any other documents required or necessary to be executed pursuant to the provisions hereof are valid, binding obligations and are enforceable in accordance with their terms.

[signature pages follow]

IN WITNESS WHEREOF, Grantor has caused this Easement to be executed and delivered by its respective undersigned officer(s) and/or representative(s), he/she being duly authorized, effective as of the date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

LANCASTER COUNTY

Witness #1

By: _____
Dennis Marstall
Lancaster County Administrator

Witness #2

State of South Carolina
County of Lancaster

ACKNOWLEDGEMENT

On this _____ day of _____, 2022, before me personally appeared Lancaster County, by Dennis Marstall, its County Administrator, who provided satisfactory evidence of his/her identification to be the person whose name is subscribed to this instrument and s/he acknowledged that s/he executed the foregoing instrument by his/her signature here.

Dennis Marstall

Sworn to (or affirmed) and subscribed before me this the _____ day of _____, 2022.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

_____ County, South Carolina

My commission expires: _____

IN WITNESS WHEREOF, Grantee has caused this Easement to be executed and delivered by its respective undersigned officer(s) and/or representative(s), he/she being duly authorized, effective as of the date first above written

Signed, sealed and delivered
in the presence of:

GRANTEE:

**LANCASTER COUNTY WATER AND
SEWER DISTRICT**

Witness #1

By: _____
Bradley H. Bucy, Manager

Witness #2

State of South Carolina
County of Lancaster

ACKNOWLEDGEMENT

On this ____ day of _____, 20____, before me personally appeared Bradley H. Bucy, who provided satisfactory evidence of his/her identification to be the person whose name is subscribed to this instrument and s/he acknowledged that s/he executed the foregoing instrument by his/her signature here.

Bradley H. Bucy

Sworn to (or affirmed) and subscribed before me this the ____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

Lancaster County, South Carolina
My commission expires: _____

EXHIBIT A

Description/Depiction of the Servient Estate

All that certain piece, parcel, or lot of land, with improvements thereon, situate, lying, and being in the Indian Land Community, Lancaster, South Carolina, and more particularly being bounded and described as follows: West by U.S. Highway 521, for a distance of 275'; South by property now or formerly of Lancaster County for a distance of 424.03'; East by property now or formerly of Lancaster County School District Board of Trustees for a distance of 274.63'; and North by property now or formerly of Lancaster County School District Board of Trustees for a distance of 405.85'. The above-described property is more particularly shown and described as Parcel "B" on a plat prepared for Lancaster County Board of Education by William Charles Hendley, Jr., RLS, dated April 24, 2000, and recorded as Plat # 2000-351, in the Office of the Clerk of Court/ROD for Lancaster County. Reference to said plat is made for a more accurate description.

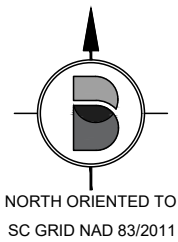
Derivation:

Being that same property conveyed to Lancaster County by deed of Lancaster County School District dated June 2, 2000 and recorded in the Office of the Clerk of Court/ROD for Lancaster County on June 6, 2000, in Deed Book 84 at page 113.

TMS No. 0013-00-047.01

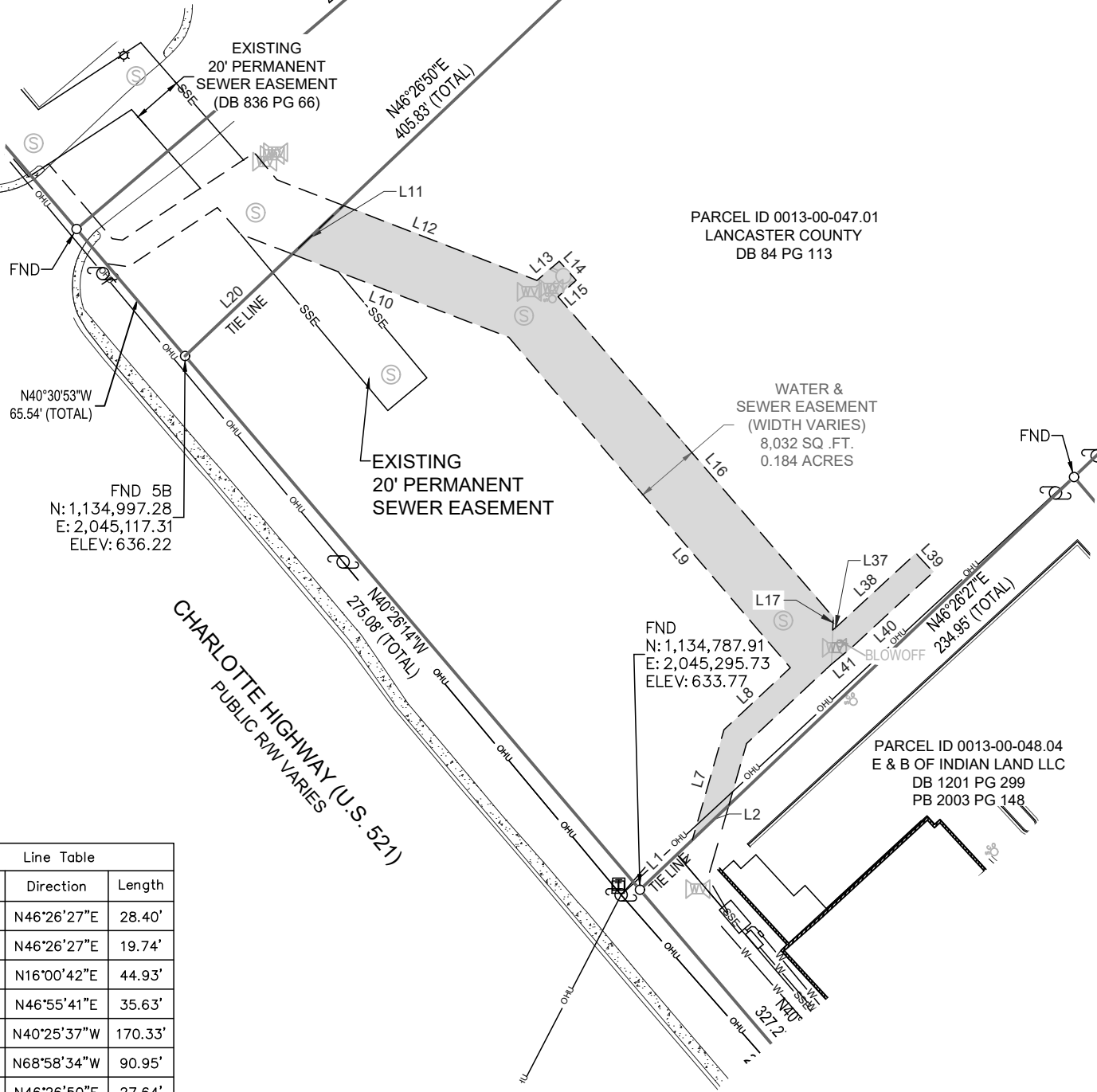
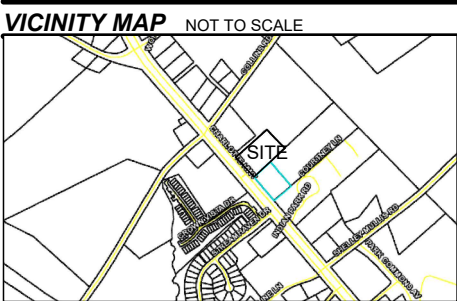
Exhibit B attached hereto

Description/Depiction of Easement Area



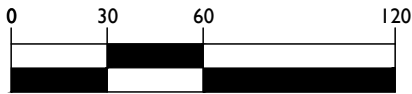
PARCEL ID 0013-00-047.03
MEREDITH PROPERTIES INC
PB 2014 PG 502

PARCEL ID 0013-00-047.04
INDIAN LAND AL, LLC
DB 1416 PG 293
PB 2021 PG 152
LOT 2B

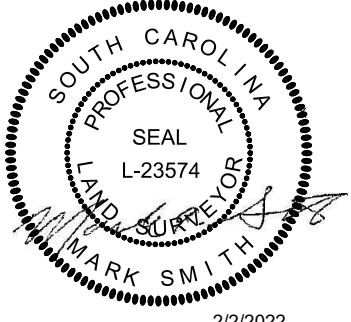
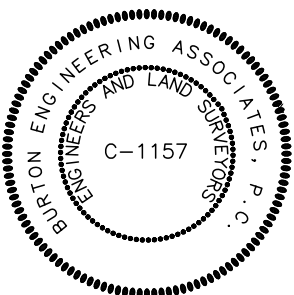


Line Table		
Line #	Direction	Length
L1	N46°26'27"E	28.40'
L2	N46°26'27"E	19.74'
L7	N16°00'42"E	44.93'
L8	N46°55'41"E	35.63'
L9	N40°25'37"W	170.33'
L10	N68°58'34"W	90.95'
L11	N46°26'50"E	27.64'
L12	S68°50'34"E	81.42'
L13	N49°15'57"E	11.53'
L14	S41°41'05"E	10.00'
L15	S48°02'05"W	9.61'
L16	S40°38'31"E	165.79'
L17	S02°31'41"W	4.96'
L20	N46°26'50"E	58.05'
L37	S50°04'16"W	2.02'
L38	S47°16'35"W	42.36'
L39	N42°38'52"W	10.00'
L40	N47°16'35"E	42.59'
L41	N50°09'27"E	11.39'

EXHIBIT B



(IN FEET)
1 inch = 60 ft.



2/2/2022

BURTON ENGINEERING
5950 FAIRVIEW RD STE 100
CHARLOTTE NC 28210
(774) 553-9881
burtonengineering.com

PROJECT NUMBER
021.888.005

DATE
1/10/2022

WATER & SEWER EASEMENT EXHIBIT

OWNER: LANCASTER COUNTY
INDIAN LAND, LANCASTER COUNTY, SOUTH CAROLINA

DAVID E LOOPER AND COMPANY, INC

PO BOX 3224
HICKORY, NC 28602

SHEET 1 OF 1

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1187-R2022
Contact Person / Sponsor: Kimberly Belk / Budget Director
Department: Finance
Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Evidence storage facility for the Sheriff's Office 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 has committed \$10,831,656 to date.

County Administration presented the second batch of prioritized projects at the March 14 Council Regular Meeting. County Council requested staff to bring the Sheriff's Evidence Storage Facility forward.

This project is for the construction of a 7,000 sq. foot evidence storage facility. Pending funding approval, no firm design has been prepared, but it is planned to be a building with slab base and metal walls and roof. Functionality is the prime consideration, not appearance. COVID-19 has had major impacts on the court system in South Carolina. While some very limited bench trials have occurred, there have basically been no jury trials in roughly two years. With new incoming cases daily, it will take many years to work through this backlog. This means that evidence will have to be maintained for a far longer period of time.

Total requested funding for authorization is \$1,440,000.

All ARPA funding has to be obligated by December 31, 2024.

Funding and Liability Factors:

This project total is \$1,440,000. If this project is authorized, \$12,271,656 will have been obligated, leaving \$6,766,026. County Administration will continue to bring forward more projects from the prioritized list or consider additional Council requests with this remaining funding.

Council Options:

Authorize the project presented for funding or not.

Recommendation:

Authorize the project using federal ARPA funds.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1187-R2022	3/21/2022	Resolution
Exhibit 1 for Resolution 1187-R2022	3/21/2022	Exhibit
ARPA Funding Prioritized List	3/21/2022	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1187 - R2022

A RESOLUTION

**AUTHORIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR AN
EVIDENCE STORAGE FACILITY FOR THE LANCASTER COUNTY SHERIFF'S
OFFICE**

WHEREAS, The American Rescue Plan Act of 2021 (ARPA) was signed into law on March 11, 2021 and provides direct funding to state and local governments.

WHEREAS, Lancaster County has been allotted over \$19 million of which \$9.5 million has already been received by Lancaster County.

WHEREAS, County management has identified a list of projects that fit the eligibility criteria for ARPA funds and those projects were prioritized by the County Administrator.

WHEREAS, the Council of Lancaster County has reviewed the priority list and believes that construction of an evidence storage facility for the Lancaster County Sheriff's Office is a project of high priority and immediate need.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lancaster County authorizes the expenditure of ARPA funds for construction of an evidence storage facility for the Lancaster County Sheriff's Office as set forth on the attached Exhibit 1 and directs and authorizes the County Administrator to take all necessary steps to effectuate the listed project(s).

<Reminder of page intentionally blank>

IT IS SO RESOLVED

by County Council this 28th day of March 2022.

LANCASTER COUNTY, SOUTH CAROLINA

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

Department/Agency	Project	Cost	Notes
Sheriff	Evidence Storage	1,440,000	Expansion of evidence storage is needed with an increased population and more evidence being collected, the Sheriff's Office must follow the retention periods per state law. The backlog in General Sessions court which has grown over the COVID pandemic time period has exacerbated the needs.

Proposed Projects				
	Department	Project	Cost	Notes
	Sheriff	Evidence Storage	1,440,000	Expansion of evidence storage is needed with an increased population and more evidence being collected, the Sheriff's Office must follow the retention periods per state law. The backlog in General Sessions court which has grown over the COVID pandemic time period has exacerbated the needs.
Remaining Prioritized Projects				
Priority	Department	Project	Cost	Notes
1	Multiple	Barnett Building Renovations	1,000,000	Finish renovations at the Barnett Building to allow for more county departments to locate there and accommodate space needs in other facilities.
2	Sheriff	Embedded Mental Health Services	375,000	Provide contracted mental health services to public safety departments/employees.
3	Registration and Elections	New and Expanded Facility	1,500,000	New requirements with early voting locations has put a strain on space needs for this department. They need to have a space to adequately run their operations and early voting.
4	Emergency Management	Storage Warehouse	1,000,000	Storage space for stockpile of personal protective equipment and supplies including gloves, masks, gowns, etc.
5	Building Maintenance	Water Fountain Replacement	48,000	Replacement of 40 current water fountains across County facilities with a water bottle feature to help reduce the spread of germs.
6	Risk Management	Personal Protective Equipment (PPE)/Supplies	50,000	Two years of PPE and covid supplies including gloves, masks, and disinfectants.

Priority	Department	Project	Cost	Notes
7	Stormwater	Ander Vincent Culvert Replacement	900,000	Ander Vincent overtops frequently. This would improve culvert efficiencies to minimize flooding. It may need to be supplemented with stormwater funds to complete the project.
8	EMS	Mass Transport Bus	1,500,000	The bus would allow EMS to treat/transport up to 20 patients at a time which would keep them from pulling units from stations across the County when a response for multiple patients is required.
Other				
		Project	Cost	Notes
		Nonprofits/Community Program	100,000	Allow for external community groups with eligible uses to submit for funding.
		Contingency	293,026	
		Total Remaining Balance of Prioritized Projects	6,766,026	

Items Approved for Funding			
Department/Agency	Project	Cost	Notes
IT & Administration	Audio Visual Upgrades in Chambers	69,260	Audio visual system replacement including the microphones, sound and live stream video equipment in Council Chambers to provide better citizen service during meetings both in person and virtually.
IT	County-wide Network Overhaul	1,895,680	The overhaul would address underperforming firewalls and switches which cause slow load times to the internet and internal servers, memory has been maxed out and reduces the capacity for remote work back into the network. We would have an enterprise strength solution that meets user
IT & Sheriff	Bandwidth and Remote Operations Upgrade	657,375	The office also has needs for more bandwidth and remote operations upgrade including hardware which will help increase functionality for officers in the field or administrative staff working remotely.
IT	Remote Workstations	43,000	Laptops and docking stations which would allow for more remote work capabilities
IT	Administration Building Security Upgrades	63,900	Replacement of current system to include motion sensors, cameras and the burglar alarm to increase building security for employees and citizens.
911 Communications	Avigilon Camera System	50,295	Replacement of malfunctioning camera system which has some cameras completely down right now.

Department/Agency	Project	Cost	Notes
Register of Deeds & Assessor	Digital Records Indexing	125,000	A collaborative project which would expand and cleanup some of the digital records that our citizens access on the website. This would provide more of a one-stop shop with access to digitized deed and plat index books with less clicking back and forth between the two departments.
IT & GIS	GIS Server Replacement	43,115	These are some of the oldest servers we have left. They are currently at maximum storage capacity. The funding is for three virtual servers.
Procurement	Vendor Software	34,435	Replacement of the current software as it is failing to meet the needs of vendors as well as project evaluators.
IT & Airport	Airport Internet Capability	20,800	Extend the fiber from the road to the airport terminal for greater internet speed which currently runs very slow and struggles to meet basic needs for staff and visitors.
Coroner	Building Expansion	1,770,000	Expansion of their current office space due to significant increases in caseload and complexity of cases.
Lancaster County Water and Sewer District	Water/Sewer Infrastructure	500,000	Wastewater Hannah's Creek upsize phase 1a
Multiple	Premium Pay	1,329,800	Certain employees in the Coroner's Office, EMS, Fire Rescue and Emergency Management, Public Safety Communications, Sheriff's Office and Detention Center, and Solid Waste received a retroactive payment for 300 hours worked at \$10.00 per hour.

Department/Agency	Project	Cost	Notes
EMS/Coroner's Office	PAPR Masks	377,928	Powered Air Purifying Respirators for EMS and Coroner's Office employees.
Multiple	Glass Barriers	65,000	Installation of glass barriers at remaining locations within the County Administration Building.
LACH	Temporary Housing Shelter	334,213	Temporary Homeless Shelter and Housing Relocation Project.
Multiple	HVAC Unit Replacement	1,310,000	Replacement of outdated units at various County Facilities to help reduce spread of viral infections such as COVID.
Administration	Badge controller for Administration Building	34,855	Replace current controller with one capable of handling all doors within the building.
Sheriff	Decontamination Shower	93,000	Construction of both male and female facilities to protect employees.
Sheriff	Wall construction	14,000	Construction of a wall between front desk and records to prevent contamination from lobby area.
EMS	Headquarters Bay Construction	400,000	The bay would allow for an additional unit to be at headquarters to be used as a backup as needed. Also includes cost for storage of requested bus.
Recreation	Springdale Parking Lot Reclamation and Addition	1,100,000	Reclamation as well as the addition of parking at Melvin Steele with the increased use of parks facilities which grant a safe outdoor space for citizens during the pandemic.
Clerk of Court	Public Defender's Office Addition	500,000	Addition due to the increased staff over the last few years and to allow for future growth.
Total		10,831,656	

Unfunded Requests			
Department	Project	Cost	Notes
Sheriff	Administrative Assistant-Case Management	95,964	Removes an administrative assistant for the investigations division to focus on case file preparation and speed up case delivery to the Solicitor.
Sheriff	Personal Protective Equipment/Supplies	13,500	Removes PPE and supplies for the department.
Emergency Management	Storage Warehouse	913,000	Removes a portion of the request for a storage warehouse.
Stormwater	Water Quality and Roadway Improvements	3,070,000	Removes Calvin Hall, Black Horse Run and Man O War for culvert replacement.
Total		4,092,464	

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1796

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Establish an Ordinance outlining how excess Capital Projects Sales Tax Two Funds will be used.

Points to Consider:

The County will have approximately \$23.4 million in excess funds from the Capital Projects Sales Tax Two funds, after all the voter-approved projects are completed.

State statutes govern how excess funds may be utilized, including two legal options:

- Establish a Proviso Ordinance – (113.9 AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used.
- Utilize if Future Capital Projects were Voter-Reimposed (4-10-340. Tax imposition and termination. (C)(1) Amounts collected in excess of the required net proceeds must first be applied, if necessary, to complete a project for which the tax was imposed. (2) If funds still remain after first using the funds as described in item (1) and the tax is reimposed, the remaining funds must be used to fund the projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appeared on the enacting ordinance.

Based on the two legal options, Council is limited to only using excess funds to close out or complete work on projects identified in the Capital Projects Sales Tax Two, including some access and security upgrades for the Libraries, as well as on selected road projects, the USC Lancaster -- Hwy 9 pedestrian connections as well as the Lindsay Pettus Greenway Phase 2, as well as projects from Capital Projects Sales Tax Three, in priority order.

At the February 28, 2020 Council meeting, three road projects were mentioned by Councilmembers to consider for inclusion into the list of road projects to be completed with excess funds. Based on information presented at the March 14 meeting, Council indicated a desire to include the Cleveland Street project on the list, delete Hector Road from the list and get more information from RFATS on the Highway 521 widening project.

In a follow-up conversation with RFATS, it was determined they are just at the beginning stage of undertaking a widening study for Highway 521, so they are not ready with any project plans that could benefit from the excess capital projects sales tax funds.

Funding and Liability Factors:

County Administration has identified \$11,759,393 million for use with excess funds, including:

- 22 County road projects or projects from the Capital Projects Sales Tax Three roads list totaling \$9,000,000
- USC Lancaster -- Hwy 9 pedestrian Connections totaling \$1 million
- Lindsay Pettus Greenway, Phase 2 totaling \$1.5 million

The County has also received \$259,393 in security, access controls and other costs from the Library to complete that project, which are eligible expenses for excess funds.

The use of \$11,759,393 of the anticipated \$23.4 million excess funds would then leave approximately \$11,640,607 million that would be directed towards the Detention Center, which is the first priority project in Capital Projects Sales Tax Three.

Council Options:

Establish a Proviso Ordinance outlining that excess funds will be directed towards Libraries access, security and other upgrades, 22 County road projects or projects from the Capital Projects Sales Tax Three list, plus the USC Lancaster -- Hwy 9 pedestrian connection and Lindsay Pettus Greenway, Phase 2 projects.

Add to or delete road projects to the Proviso Ordinance.

Incorporate or delete the pedestrian connection and greenway projects as part of the Proviso Ordinance, as well as the Library upgrades.

Recommendation:

Establish a Proviso Ordinance outlining excess Capital Projects Sales Tax funds will be used for Library project completion, select road improvements, USC Lancaster -- Highway 9 pedestrian connection, and the Lindsay Pettus Greenway, Phase 2.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1796	2/23/2022	Ordinance
Exhibit 1 Library Project(s) cost	3/24/2022	Exhibit
Exhibit 2 Excess Funds Use and Road Proviso	3/24/2022	Exhibit
List of Proviso Roads with cost estimates	3/24/2022	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2022-1796

AN ORDINANCE

TO SPECIFYING THE PURPOSES FOR WHICH EXCESS CAPITAL PROJECT SALES TAX COLLECTIONS FROM THE FIRST REIMPOSED CAPITAL PROJECT SALES TAX WILL BE UTILIZED PURSUANT TO STATE BUDGET PROVISIO AND THE CAPITAL PROJECT SALES TAX ACT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Pursuant to Ordinance No. 943 duly enacted by the Council on August 13, 2008 and a successful referendum held on November 4, 2008, the County imposed a one percent sales and use tax within the County for seven years commencing May 1, 2009;

(b) Counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 to -380, Code of Laws of South Carolina 1976, as amended (the “Enabling Act”), subject to approval by a majority of the votes cast in a referendum, to reimpose countywide a one percent sales and use tax for the purpose of generating funds to pay for certain capital improvements;

(c) The Enabling Act establishes a procedure for reimposing the capital sales tax including the passage of an enacting ordinance (“Enacting Ordinance”) and the creation of a commission for the purpose of considering proposals for funding capital projects and formulating the referendum question that is to appear on the ballot;

(d) Pursuant to Ordinance No. 2014-1286 duly enacted by the Council on August 11, 2014 and a successful referendum held on November 4, 2014, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2015 (the “First Reimposed Tax”);

(e) Pursuant to Ordinance No. 2020-1673 duly enacted by the Council on July 22, 2020 and a successful referendum held on November 3, 2020, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2022 (the “Second Reimposed Tax”);

(f) The First Reimposed Tax will result in approximately \$23.4 million dollars in excess funds after all the voter approved projects from the First Reimposed Tax are completed.

(g) SC Code 4-1-30(C)(1) provides that Capital Project Sales Tax amounts collected in excess of the required net proceed must first be applied, if necessary, to complete a project for which the tax was imposed. SC Code 4-1-30(C)(2) provides that if funds remain after using the funds to completed projects for which the tax was imposed, and the tax was reimposed, the remaining funds must be used to fund the projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appear on the enacting ordinance.

(h) The State of South Carolina enacted a budget provision in the current fiscal year budget allowing Counties to expend excess capital project sales tax collections, by passage of an ordinance. (113.9 AS-TREAS: Excess Sales Tax Collections) - In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used.

(i) Pursuant to the budget proviso, the Council of Lancaster County desires to utilize a portion of the excess collections from the First Reimposed Tax to fund road improvements, intersection improvements, and pedestrian transportation.

(j) The County Council desires to utilize a portion of the excess collections from the First Reimposed Tax to fund the Detention Center project pursuant to SC Code 4-1-30.

Section 2. Excess Funds Applied to Projects Listed in the First Reimposed Tax

The Council of Lancaster hereby approves and specifies that excess collections from the First Reimposed Tax shall be utilized to complete the county library project(s) listed in the referendum for the First Reimposed Tax. The expenditures necessary to complete the library project(s) are set forth in Exhibit 1 which is incorporated herein by reference.

Section 3. Approval of Budget Proviso Projects

Pursuant to the State Budget Proviso, the Council of Lancaster County hereby approves and specifies that excess collections from the First Reimposed Tax shall be utilized on selected road projects not included in the Second Reimposed Tax as well as certain road projects and pedestrian projects identified in the Second Reimposed Tax as listed on Exhibit 2 which is attached hereto and incorporated herein by reference.

Section 4. Excess Funds Applied to Projects Listed in the Second Reimposed Tax

The Council of Lancaster hereby approves and specifies that any excess collections from the First Reimposed Tax not utilized to complete projects listed in Exhibit 1 and Exhibit 2 shall be applied to the projects in the Second Reimposed Tax in the manner and in the priority established by SC Code 4-1-30.

Section 5. 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 6. 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 7. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED, this _____ day of March 2022

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

1st reading: February 28, 2022
2nd reading: March 14, 2022
3rd reading: March 28, 2022
Public Hearing: March 14, 2022

Approved as to from:

John DuBose, County Attorney

Exhibit 1 for Ordinance 2022 -1796



Cost Estimate

Lancaster County Library

24 March 2022

259393

Lancaster County Library

April Williams

Location	Description	Detail	Total
Main	Badge Reader Activation @ Front Door Replacement	IT	12,300.00
Main/Del Webb/Kershaw	Sound in Meeting Rooms	IT	29,400.00
Main/Del Webb/Kershaw	Meeting Room Cameras	IT	56,600.00
Main	Book Drop Awning Lettering	Building	3,000.00
Main	Storage Shelving	Building	300.00
Main	Replacement of all soap dispensers	Building	175.00
Del Webb			
Del Webb	Breakroom-Switch doors & microwave relocation	Building	17,287.00
Del Webb	Book Drop walk way	Building	5,607.00
Del Webb	Awning over book drop	Building	13,545.00
Del Webb	Mechanical Partition for Meeting Room	Building	74,764.00
Del Webb	Lighting in foyer Meeting Room, & restrooms	Building	34,109.00
Kershaw	Additional Shelving	Building	4,000.00
Kershaw	Lighting-in Circ Area & Outside Meeting Room Door	Building	8,306.00

Net Total \$259,393.00

Total	\$259,393.00
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Location	Description	Detail	Total
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Exhibit 2 -- Use of Capital Projects Sales Tax Two Excess Funds

Lancaster County Libraries -- Existing Project Completion

LANCASTER COUNTY Road Proviso List	OWNER	BEGIN	END
Airdale Road	County	End State Maintenance	Dead End
Bill Sweatt Road	County	North Corner Road	State line
East Park Drive	County	SC 903	Cul-de-sac
Ember Lane	County	SC 97	Encore Lane
Emerald Estates Road	County	Sunshine Road	Emerald Circle
Firewood Road	County	SC 522	Cul-de-sac
Grey Fox Subdivision	County	Shiloh Unity Road	N/A
Harris Hill Road	County	US 521	Dead End
Hunters Ridge Subdivision	County	McIlwain Road	N/A
Northfield Drive	County	US 521	Cul-de-sac
Providence Crossing Subdivision	County	Providence Road	N/A
Regent Parkway	County	Harrisburg Road	Bridge
Sedgefield Subdivision	County	McIlwain Road	N/A
Songbird Street	County	Taxahaw Road	N/A
Walnut Creek Parkway	County	US 521	Bridge
Pavement Preservation (various patch/overlay)	County		
Logging Road	County		
Fernwood Road	County		
Cannery Road	County		
Rise Lane	County		
Catawba Ridge Boulevard	County		
Cleveland Street	State		

Pedestrian Access Improvement

USC - Lancaster Highway 9 pedestrian improvements
Lindsay Pettus Greenway, Phase 2

Lancaster County Detention Center

Top Priority on Capital Projects Sales Tax Three List

ROAD NAME	OWNER	BEGIN	END	APPROVED
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LANCASTER COUNTY

Airdale Road	County	End State Maintenance	Dead End	\$415,000.00
Bill Sweatt Road	County	North Corner Road	State line	\$185,000.00
East Park Drive	County	SC 903	Cul-de-sac	\$340,000.00
Ember Lane	County	SC 97	Encore Lane	\$230,000.00
Emerald Estates Road	County	Sunshine Road	Emerald Circle	\$135,000.00
Firewood Road	County	SC 522	Cul-de-sac	\$340,000.00
Grey Fox Subdivision	County	Shiloh Unity Road	N/A	\$500,000.00
Harris Hill Road	County	US 521	Dead End	\$120,000.00
Hunters Ridge Subdivision	County	McIlwain Road	N/A	\$650,000.00
Northfield Drive	County	US 521	Cul-de-sac	\$415,000.00
Providence Crossing Subdivision	County	Providence Road	N/A	\$375,000.00
Regent Parkway	County	Harrisburg Road	Bridge	\$750,000.00
Sedgewood Subdivision	County	McIlwain Road	N/A	\$375,000.00
Songbird Street	County	Calvin Hall Road	N/A	\$60,000.00
Walnut Creek Parkway	County	US 521	Bridge	\$750,000.00
SUB TOTAL				\$5,640,000.00

Pavement Preservation	County			\$1,000,000.00
Logging Road	County			\$160,000.00
Fernwood Road	County			\$175,000.00
Cannery Road	County			\$75,000.00
Rise Lane	County			\$250,000.00
Catawba Ridge Boulevard	*County			\$500,000.00
Cleveland Street	SCDOT	Beginning	End	\$1,200,000.00
SUB TOTAL				\$3,360,000.00

22 Road Projects **TOTAL LIST** **\$9,000,000.00**

*County would accept new portion of Catawba Ridge Blvd. per Development Agreement

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1800

Contact Person / Sponsor: John DuBose- County Attorney

Department: Administration

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Whether to grant an easement to Duke Energy Carolinas, LLC ("Duke Energy") for the purpose of providing electrical service to soccer complex improvements located on Lancaster County property bearing tax parcel number 0005-00-077.00 near Harrisburg Road.

Points to Consider:

The easement grant will allow Duke Energy to provide appropriate electrical power infrastructure to the county owned real property.

The easement agreement is Exhibit A to Ordinance 2022-1800 and is included in the agenda package.

Funding and Liability Factors:

Not applicable.

Council Options:

Approve or disapprove the ordinance.

Recommendation:

Approve the easement grant.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1800	3/4/2022	Ordinance
Exhibit A to Ordinance 2022-1800	3/7/2022	Exhibit
General location map of easement	3/4/2022	Backup Material
Notice of Public Hearing for Ordinance 2022-1800	3/22/2022	Public Hearing Notices

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2022 - 1800

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.

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 0005-00-077.00.
- (2) To provide appropriate power infrastructure to the County’s real property, Duke Energy Carolinas, LLC (“Duke Energy”) wishes to install underground facilities on the parcel, 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 twenty feet (20’) in uniform width, 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 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 electrical facility over and upon Tax Map No. 0005-00-077.00 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 _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: March 14, 2022
Second Reading: March 28, 2022
Public Hearing: March 28, 2022
Third Reading: April 11, 2022

Approved as to form:

John DuBose, County Attorney

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Exhibit A to Ordinance No. 2022-1800

**Duke Energy Right of Way -10167 Harrisburg Road Easement Agreement
Lancaster County to Duke Energy Carolinas, LLC**

Tax Map No. 0005-00-077.00

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Prepared by: Duke Energy Carolinas, LLC
Return to: Duke Energy Carolinas, LLC
Attn: Elliott Wallace
6325 Wilkinson Blvd.
Charlotte, NC 28214

Parcel # 0005-00-077.00

EASEMENT

State of South Carolina

County of Lancaster

THIS EASEMENT (“**Easement**”) is made this ____ day of _____, 20____, from **LANCASTER COUNTY**, a South Carolina body politic and corporate, and a political subdivision 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 1368, Page 134, Lancaster County Register of Deeds (“**Property**”). The Facilities shall be underground, except as needed on or above the ground to support the underground Facilities, and located in, upon, along, under, through, and across a portion of the Property within an easement area described as follows: A strip of land twenty feet (20’) in uniform width, 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.

For Grantee’s Internal Use:
Work Order #: 41069140

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 relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
5. 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.
6. 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.
7. 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 neighboring 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 at the widths defined in this Easement.
8. 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 South Carolina body politic and corporate, and a political subdivision of the State of South Carolina

(Witness #1)

(SEAL)
DENNIS E. MARSTALL, County Administrator

(Witness #2)

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that DENNIS E. MARSTALL, as County Administrator of LANCASTER COUNTY, a South Carolina body politic and corporate, and a political subdivision of the State of South Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT.

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



Notary Public: _____

Commission expires: _____



The Lancaster News

701 North White Street
PO Box 640
Lancaster, SC 29721
803-283-1133

NOTICE OF PUBLIC HEARING Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, March 28, 2022, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2022-1800, an ordinance titled **"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."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (<https://www.mylancastersc.org/>), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

I hereby certify that on the above notice published in The Lancaster News, a general circulation in Lancaster County, South Carolina, in accordance with law on March 9th 2022.

SWORN to before me this 9th day of

March, 2022

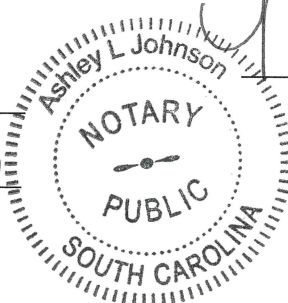
Ashley L Johnson

Notary Public for South Carolina

My Commission Expires: 01/20/2027

Newspaper Rep Signature

[Signature]



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 20022-1801

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

Department: Attorney

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Whether to purchase approximately sixty four (64) acres of real property for the new Lancaster County Detention Center.

The subject property is located at 1666 Pageland Highway and is adjacent to the Lancaster County Sheriff's Office.

Points to Consider:

The Detention Center is the first project authorized by voters in a November 3, 2020 referendum and by County Council's passage of the second re-imposed Capital Project Sales Tax by Ordinance 2020-1673.

Lancaster County staff, Lancaster County Sheriff's Office staff, and Magistrate's Office staff have identified certain real property consisting of approximately 64.806 acres in total, comprised of Tax Map 0068-00-045.00 (less and except 1.136 acres +/- at 1666 Pageland Highway), Tax Map 0068L-0F-016.00, Tax Map 0068L-0F-015.00, Tax Map 0068L-0F-013.00, and Tax Map 0068L-0F-011.00 (collectively the "subject property"), and located along Pageland Highway as a suitable site for a new Lancaster County Detention Center. A plat of the subject property is attached as Exhibit 1 to the Ordinance.

County staff has negotiated a purchase for the subject property of One Million Eight Hundred Sixteen Thousand Eight Hundred Fifty Dollars (\$1,816,850).

Pursuant to Lancaster County Code Section 2-300.4. County Council must be provided an appraisal for the subject property. The real property was appraised by a third-party appraiser on November 11, 2021, and returned a value of the subject property at Two Million Five Hundred Sixty-Five Dollars (\$2,560,000).

Due Diligence has occurred and there are no adverse conditions or encumbrances upon the subject property that will prevent the subject property from being utilized as the site of the new Lancaster County Detention Center.

Pursuant to Lancaster County Code Section 2-300.4 County Council must be provided a phase one environmental assessment prior to the acquisition of real property. Certain parcels of the subject property front South Carolina Highway 9- Pageland Highway, further identified as Tax Map 0068L-0F-011.00/ 0068L-0F -013.00/ 0068L-0F -015.00/ and 0068L-0F -016.00 (the "access parcels"), are being acquired to provide driveway access to South Carolina Highway 9 and no occupied county structures are intended to be located on any of these parcels. The existing residential structures located on the access parcels will be demolished and the land cleared to provide for vehicular access purposes. The proposed ordinance contains a finding of fact that there is no need to spend county funds to perform a phase one environmental assessment on the access Parcels and provides a waiver of the requirement for the phase one environmental assessment for the Access Parcels as set forth Lancaster County Code Section 2-300.4.

The subject property parcels are currently zoned either Light Industrial (LI) or General Business (GB) and the Lancaster County staff involved in the development of the new Lancaster County Detention Center have consulted with the staff of the Lancaster County Planning Department – Development Services Division regarding the proper zoning for the facility and Lancaster County planners have advised that the suitable zoning classification for the facility, being government owned, is Institutional (INS). There are several government owned tracts already zoned INS adjacent to this property.

Seller is retaining approximately 1.136 acres of Tax Map 0068-00-045.00 identified as tract "TR 2" on a plat of the subject property attached to the ordinance and this agenda (Exhibit 1). The retained property is zoned Light Industrial (LI). Seller is retaining the acreage to continue operation of their existing business. To prevent a non-conformity, Lancaster County staff have agreed to retain the Light Industrial zoning designation of approximately one acre of the subject property that is identified as tract "TR 2A" on the plat of the subject property.

Funding and Liability Factors:

A funding source must be identified and provided. The detention center is the project of first priority in the second re-imposed Capital Projects Sales Tax (Ordinance 2020-1673). The second re-imposed Capital Projects Sales Tax commences on May 1, 2022.

The purchase and sale agreement for the subject property set a closing date of April 26, 2022.

Council Options:

Approve or disapprove of the property acquisition.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1801	3/9/2022	Ordinance
Exhibit 1 to Ordinance 2022-1801	3/7/2022	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2022 -1801

COUNTY OF LANCASTER

)

)

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.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- 1) Counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 to -380, Code of Laws of South Carolina 1976, as amended (the “Enabling Act”), subject to approval by a majority of the votes cast in a referendum, to impose or reimpose countywide a one percent sales and use tax for the purpose of generating funds to pay for certain capital improvements; and
- 2) Pursuant to Ordinance No. 2020-1673 duly enacted by the Council on July 22, 2020, and a successful referendum held on November 3, 2020, the County re-imposed the one percent sales and use tax within the County for seven years commencing May 1, 2022 (the “Second Reimposed Tax”); and
- 3) Ordinance 2020-1673 and the referendum identified the project of first priority as a portion of the cost of acquiring, constructing, and equipping a new Lancaster County Detention Center including a Magistrate’s Office and land acquisition; and
- 4) Lancaster County staff, Lancaster County Sheriff’s Office staff, and Magistrate’s Office staff have identified certain real property consisting of approximately 64.806 acres in total, comprised of Tax Map 0068-00-045.00 (less and except 1.136 acres +/- at 1666 Pageland Highway), Tax Map 0068L-0F-016.00, Tax Map 0068L-0F-015.00, Tax Map 0068L-0F-013.00, and Tax Map 0068L-0F-011.00 (collectively the “subject property”), and located along Pageland Highway as a suitable site for a new Lancaster

County Detention Center. A plat of the subject property is attached hereto and incorporated herein by reference as Exhibit 1 to the Ordinance; and

- 5) County staff negotiated purchase of the subject property at One Million Eight Hundred Sixteen Thousand Eight Hundred Fifty Dollars (\$1,816,850); and
- (6) Pursuant to Lancaster County Code Section 2-300.4. County Council must be provided an appraisal for the subject property. The real property was appraised by a third-party appraiser on November 11, 2021, and returned a value of the subject property at Two Million Five Hundred Sixty-Five Dollars (\$2,560,000); and
- (7) Due Diligence has occurred and there are no adverse conditions or encumbrances upon the subject property that will prevent the subject property from being utilized as the site of the new Lancaster County Detention Center; and
- (8) Pursuant to Lancaster County Code Section 2-300.4 County Council must be provided a phase one environmental assessment prior to the acquisition of real property; and
- (9) Certain parcels of the subject property front South Carolina Highway 9- Pageland Highway, further identified as Tax Map 0068L-0F-011.00/ 0068L-0F -013.00/ 0068L-0F -015.00/ and 0068L-0F -016.00 (the “access parcels”), are being acquired to provide driveway access to South Carolina Highway 9 and no occupied county structures are intended to be located on any of these parcels; and
- (10) The existing residential structures located on the access parcels will be demolished and the land cleared to provide for vehicular access purposes so there is no need to spend county funds to perform a phase one environmental assessment on the access Parcels and County Council hereby waives the requirement for the phase one environmental assessment for the Access Parcels as set forth Lancaster County Code Section 2-300.4; and
- (11) The subject property parcels are currently zoned either Light Industrial (LI) or General Business (GB) and the Lancaster County staff involved in the development of the new Lancaster County Detention Center have consulted with the staff of the Lancaster County Planning Department – Development Services Division regarding the proper zoning for such a facility; and
- (12) Lancaster County planners have advised that the suitable zoning classification for such a facility, being government owned, is Institutional (INS) and there are several government owned tracts already zoned INS adjacent to this property; and
- (13) Seller is retaining approximately 1.136 acres of Tax Map 0068-00-045.00 identified as tract “TR 2” on a plat of the subject property attached hereto and incorporated herein by reference as Exhibit 1 and that retained property is zoned Light Industrial (LI). Seller is retaining the acreage to continue operation of their existing business. To prevent a non-conformity, Lancaster County has agreed to

retain the Light Industrial zoning designation of approximately one acre of the subject property that is identified as tract "TR 2A" on the plat of the subject property.

- (14) The purchase price for the subject property and all other necessary and incidental fees and costs associated with the acquisition of the subject property for the new Lancaster County Detention Center, an approved second reimposed Capital Project Sales Tax project, shall be paid for with excess funds collected from the first reimposed Capital Project Sales Tax pursuant to S.C. Code 4-10-340(c)(2)
- (15) Council has studied the options and considered the recommendations of Lancaster County staff associated with the new Lancaster County Detention Center project and, accordingly, Council has concluded that it is prudent and wise to acquire the subject property as the site of the new Lancaster County Detention Center.

Section 2. Approval of property acquisition.

Council authorizes and approves the acquisition of the subject property described in this ordinance upon the terms and conditions stated in this ordinance.

The County Administrator is authorized and directed to execute and deliver all documents necessary to effectuate purchase of the subject property. The County Administrator is further authorized and directed to submit a rezoning application(s), pursuant to the terms and conditions set forth in Section 1 of this Ordinance, to effectuate the use of the subject property for its intended purpose as a new Lancaster County Detention Center.

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.

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: March 14, 2022
Second Reading: March 28, 2022
Third Reading: April 11, 2022
Public Hearing: April 11, 2022

Approved as to form:

John DuBose, County Attorney

PROPERTY OWNERS:

- 1

LOTS 34-38

MARY LOIS LOYD ESTATE

1514 PAGE LAND HWY.

DEED BOOK 4-A PAGE 116

7-13-1963

-0686L-08-011.00

ZONED - GB

2

LOTS 39-42

JOHN CLARK CARNES

1554 PAGE LAND HWY.

DEED BOOK 1086 PAGE 89

TAX PARCEL - 0068L-08-019.00

ZONED - GB

3

LOTS 33-36

JOHN CLARK CARNES

DEED BOOK 1089 PAGE 89

TAX PARCEL - 0068L-08-018.00

ZONED - GB

4

LOTS 37-41

JOHN CLARK CARNES

1570 PAGE LAND HWY.

PLAT BOOK 2 PAGE 147

TAX PARCEL - 0068L-08-017.00

ZONED - GB

5

LOTS 43-44

ROSS CONSTRUCTION INC.

1578 PAGE LAND HWY.

DEED BOOK 4-PAGE 38

TAX PARCEL - 0068L-08-016.00

ZONED GB

6

LOTS 45-47

SOUTHERN ROSS MORTGAGE LLC

1586 PAGE LAND HWY.

DEED BOOK 311 PAGE 134

TAX PARCEL - 0068L-08-015.00

ZONED - GB

7

LOTS 48-52

SOUTHERN ROSS MORTGAGES LLC

1590 PAGE LAND HWY.

DEED BOOK 397 PAGE 348

TAX PARCEL - 0068L-08-013.00

ZONED - GB

8

LOTS 53-58

GLORIA R. CAUTHEN

1660 PAGE LAND HWY.

DEED BOOK 181 PAGE 77

7-13-1963

-0686L-08-011.00

ZONED - GB

9

LOTS 59-61

PAGE LAND HWY.

DEED BOOK 210 PAGE 39

TAX PARCEL - 0068L-08-010.00

ZONED - GB

10

LOTS 61-70

FRANCIS ESCAMILLA

DEED BOOK 1008 PAGE 119

TAX PARCEL - 0068L-08-009.00

ZONED - GB

11

LOTS 72-76

TIMOTHY J. & GINGER S. TRUJILLO

1647 PAGE LAND HWY.

PLAT 7-1-31

TAX PARCEL - 0068L-08-007.00

ZONED - GB

12

LOTS 77-80

MARY M. S. TRUJILLO

1650 PAGE LAND HWY.

DEED BOOK 84-PAGE 268

TAX PARCEL - 0068L-08-006.00

ZONED GB

13

LOTS 81-83

JESSICA D. R. ACKSON

1678 PAGE LAND HWY.

DEED BOOK 1414 PAGE 268

TAX PARCEL - 0068L-08-004.00

ZONED - GB

NOTES:

- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD.
- THERE WERE NO WETLAND MARKERS OBSERVED IN THE FIELD
- THERE WAS NO EVIDENCE OF ANY EARTH MOVING WORK OBSERVED
- THERE WERE NO ENCROACHMENTS OR PROJECTIONS ON THIS PROPERTY AT THIS TIME.
- ZONING REQUIREMENTS: L1 (LIGHT INDUSTRIAL)
- FRONT SETBACK: 40'
- SECONDARY STREET 35',
- REAR SETBACK: 35'
- SIDE SETBACK: 35'
- THIS PROPERTY HAS DIRECT PHYSICAL ACCESS TO PAGE LAND HWY., STATE ROAD NUMBER 9, A 100 PUBLIC NUMBER S29-70, A 66 PUBLIC RIGHT OF WAY.
- THIS PARCEL DOES NOT FALL WITHIN THE NEWBRIER AIRFIELD OVERLAY DISTRICT.

- UTILITY SERVICES

(06-28) PALMETTO UTILITY PROTECTION SERVICE

TEL. (888) 221-7827

GOVERNMENTAL AGENCIES

LANCASTER COUNTY BUILDING AND ZONING DEPT.

101 NORTH MAIN STREET

LANCASTER, S.C. 29720

TEL. (803) 285-1969
- LANCASTER COUNTY NATURAL GAS AUTHORITY

1100 KENSINGTON CAMPDEN HWY.

LANCASTER, S.C. 29720

TEL. (803) 285-2045
- LANCASTER COUNTY PLANNING AND ZONING OFFICE

101 NORTH MAIN STREET

LANCASTER, S.C. 29720

TEL. (803) 285-4065
- LANCASTER COUNTY WATER & SEWER DISTRICT

101 NORTH MAIN STREET

LANCASTER, S.C. 29720

TEL. (803) 285-4069
- LANCASTER COUNTY TAX ASSESSOR'S OFFICE

101 NORTH MAIN STREET

LANCASTER, S.C. 29720

TEL. (803) 285-4064
- CONCURRENT COMMUNICATIONS

5000 UNIVERSITY DRIVE

LANCASTER, S.C. 29720

TEL. (803) 285-39011
- PRICE ENERGY

101 NORTH MAIN STREET

LANCASTER, S.C.

TEL. (803) 581-4127
- CRAIG MANOR ROAD

LANCASTER, S.C.

TEL. (803) 922-0983
- TRANSPORTATION AGENCIES

SOUTH CAROLINA DEPT. OF TRANSPORTATION

13231 COLUMBIAN BYWAS

CHESTER, S.C. 29706

TEL. (803) 577-4135

LANCASTER COUNTY ECONOMIC DEVELOPMENT OFFICE

210 WEST GAY STREET

LANCASTER, S.C. 29720

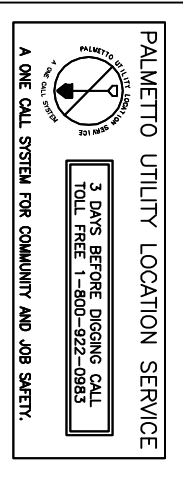
TEL. (803) 285-5471

NOTE: This lot does not lie within any designated flood zone or encroachment or projections other than as shown on this plat. See Flood Insurance Dated 01/06/83

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

DRAWN BY:	JCC/RMB	DATE:	02/25/2022
CHECKED BY:	JCC	TAX PARCEL:	0068-00-045.00
DWG NO.:	22-02-3	SHEET	1 of 1

THE LOTS SHOWN ON THESE PLANS ARE IN APPROXIMATE LOCATIONS ONLY. THERE MAY BE OTHER LOTS NOT SHOWN ON THESE PLANS. THE LOCATIONS SHOWN HEREON OR FOR ANY LOCATIONS NOT SHOWN HEREON ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OR RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATIONS SHOWN ON THESE PLANS AT ALL TIMES.

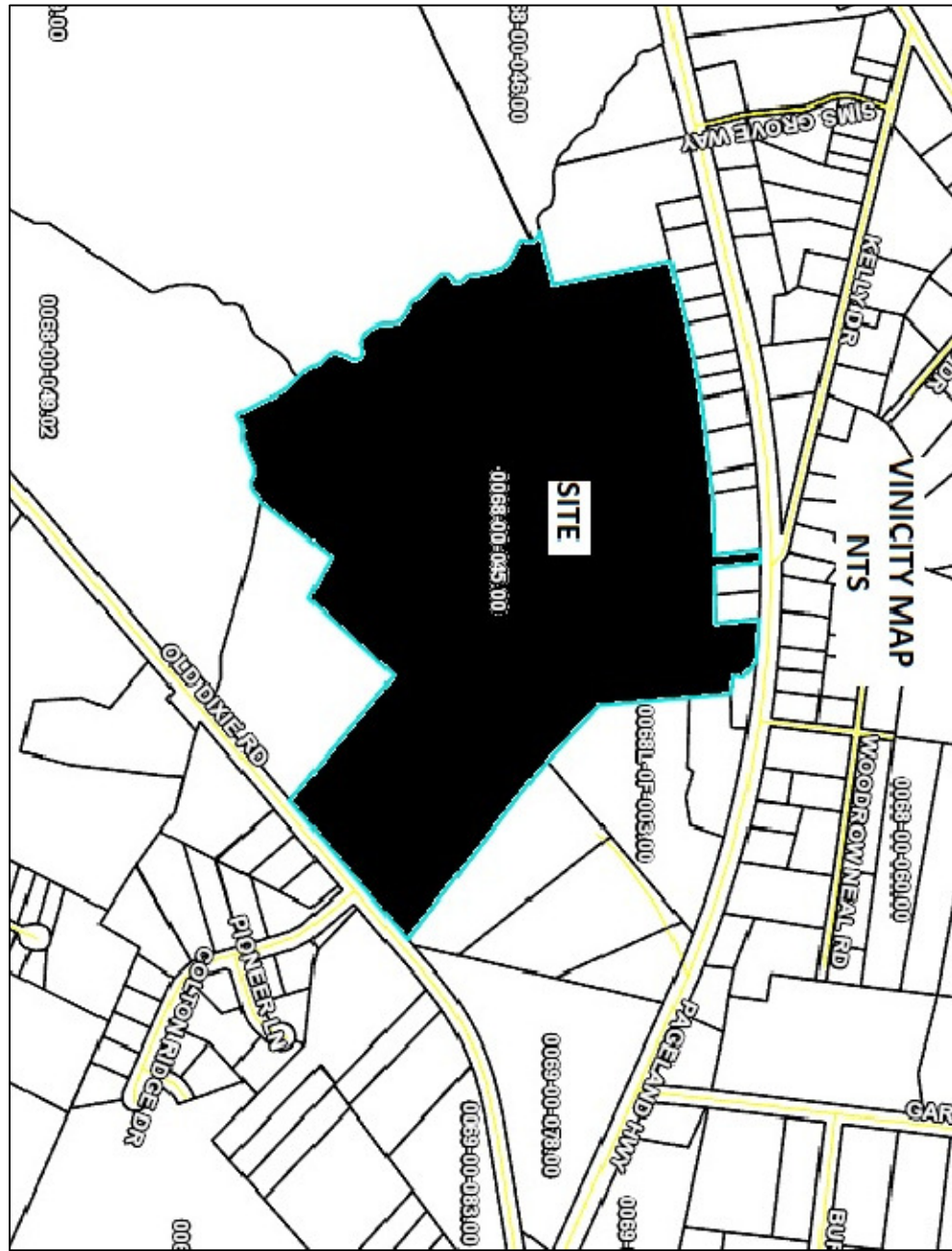


- ✚ LIGHT POLE
- ✚ TELEPHONE PEDISTAL
- ✚ ONE-OVERHEAD ELEC.
- ✚ UGTF UNDERGROUND
- ✚ TELEPHONE CABLE
- ✚ WATER VALVE
- ✚ FIRE HYDRANT
- ✚ GAS VALVE

CONTROL POINTS 1/5 REBAR CAPPED			
INV-104	N10518.61177	INV-101	N105217.0538
E 2070938.8825		E 2070508.6534	
ELEV. 525.31		ELEV. 509.56	
INV-107	N105170.92938	INV-106	N1051547.7710
E 2070776.65786		E 2070577.2045	
ELEV. 521.58		ELEV. 480.34	
INV-101	N1052165.9757	INV-106	N1060915.7816
ELEV. 520.27		ELEV. 488.83	
INV-103	N105237.2944	INV-109	N1056898.3805
E 2070850.0418		E 2070858.1192	
ELEV. 520.17		ELEV. 505.08	
INV-102	N 1052344.8037	INV-108	N 1051286.0629
E 2070909.2046		E 2070878.1328	
ELEV. 517.73		ELEV. 519.00	

TREE TABLE		
TREE #	SIZE & SPECIES	
TR 1	72" OAK	
TR 2	34" BROWN ALB	
TR 3	48" HICKORY	
TR 4	60" OAK	
TR 6	72" OAK	
TR 7	15" MAGNOLIA	
TR 8	48" OAK	
TR 9	50" OAK	
TR 10	48" OAK	
TR 11	18" MAGNOLIA	
TR 12	36" OAK	
TR 13	48" OAK	
TR 14	48" OAK	
TR 15	15" WHITE OAK	
TR 16	30" OAK	
TR 17	32" HICKORY	
TR 18	24" HICKORY	
TR 19	15" HICKORY	
TR 20	24" WHITE OAK	
TR 21	48" OAK	
TR 22	24" PECAN	
TR 23	24" PECAN	
TR 24	36" PECAN	
TR 25	48" PINE	

RE ZONING PER DEPOSITS
TRACT 2 (1.136 AC.) SOUTH ROSS MORTGAGE LLC
1660 PAGE LAND HWY.
DEED BOOK 531 PAGE 36
PLAT 2006-531 PAGE 1
TAX PARCEL 0068L-08-005.00
ZONED - INS



LINE TABLE		
LINE	LENGTH	BEARING
L1	147.41	N79°105.11'E
L2	125.01	N80°59.15'E
L3	149.93	N85°57.00'E
L4	149.45	N05°12.00'W
L5	151.78	N83°54.78'E
L6	123.57	N81°54.78'E
L7	151.28	N83°27.32'E
L8	150.13	N80°13.37'E
L9	50.02	N89°47.27'E
L10	150.24	N02°11.59'W
L11	50.01	S89°50.06'E
L12	150.28	S02°12.87'E
L13	16.74	S84°17.34'E
L14	151.6	S52°36.33'E
L14A	34.94	S52°36.33'E
L15	34.43	S08°28.11'W
L16	57.37	S81°13.60'E
L17	71.00	N01°28.55'W
L18	51.70	N12°37.20'W
L19	32.87	S78°12.50'W
L20	287.88	N39°12.50'W
L21	155.87	N39°12.50'W
L22	266.55	N36°46.46'W
L23	92.66	N21°37.97'E
L24	133.91	S63°21.15'E
L25	86.88	N14°47.29'W
L26	68.42	N55°22.22'W
L27	176.38	N42°45.45'E
L28	32.00	N02°45.45'E
L29	351.77	N58°19.24'E
L30	72.95	N26°18.00'W
L31	108.71	N06°57.11'W
L32	119.67	N58°07.16'W
L33	57.38	N50°10.29'E
L34	11.77	N43°07.10'W
L35	155.48	N75°44.67'E
L36	105.10	S85°02.03'W
L37	98.15	S00°39.06'W

AREA= 62.345 AC.
AREA IN LOTS
42-58 = 1.461 AC.
AREA IN TRACT 2A
= 1.000 AC.
TOTAL AREA FROM ROSS CAUTHEN= 64.806 AC.

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: 3/28/2022

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.

This Ordinance acknowledges the new position titled Assistant County Administrator, that the County Administrator wants to create, as well as codifies Council's ability to contract directly for legal services, based upon conversation at the January 2022 Council Retreat.

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	3/24/2022	Ordinance

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2022- 1799

COUNTY OF LANCASTER

)

~~Indicates Matter Stricken~~

Indicates New Matter

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**

WHEREAS, the Lancaster County Administrator (“County Administrator”), pursuant to SC Code 4-9-630, is charged with the statutory power and duty to direct and coordinate operational agencies and administrative activities of the county government; and

WHEREAS, the County Administrator, pursuant to SC Code 4-9-620, shall be responsible for the administration of all departments of the county government which the Council of Lancaster County (“County Council”) council has the authority to control; and

WHEREAS, the County Administrator intends to review and amend the organizational structure of Lancaster County departments and divisions to increase efficiency of county operations and the services provided to the citizens of Lancaster County; and

WHEREAS, the County Council wishes to amend the County Code to provide the County Administrator increased flexibility in reviewing and organizing county departments and divisions; and

WHEREAS, County Council finds that it should remove certain prescriptive and restrictive language from the County Code to provide greater flexibility to the County Administrator in organization of county departments and divisions.

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

Section 1. Section 2-82 of the Lancaster County Code is hereby amended as follows:

Sec. 2-82. - ~~Office created; functions.~~ Deputy and/or Assistant County Administrator

~~The position of deputy county administrator is hereby created.~~ The deputy county administrator and/or assistant county administrator shall be appointed by and serve at the pleasure of the county administrator. The deputy county administrator and/or 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 deputy county administrator and/or 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 for a contract term not to exceed six months.

(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 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)

Gross 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)~~

Gross 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, 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: March 28, 2022

Second Reading: April 11, 2022

Third Reading: April 25, 2022

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

County Council's confidence in the roof design and drainage system for the new Airport Terminal.

Points to Consider:

On February 28, 2022 County Council received a presentation about the design and grant time line for the new Airport Terminal. During that meeting, a concern was expressed about the slope of the roof and drainage issues.

On March 13, County Council received an email from the County Administrator outlining information about the roof and drainage system for the new Airport Terminal, including:

- The roof will drain inward to central roof drains and that this drainage strategy is very common in commercial buildings.
- The roof will have approximately 1,100 sf to collect and drain water and it will have 4 roof drains total each with a backup overflow drain
- There is also 4 locations for backup water to escape the central area if all drains and the backups don't work. These drain into the scuppers / downspouts
- Under current design, 30% of the roof area drains directly to the scuppers / downspouts (not to the central drains).
- The roof will utilize a highly durable metal roofing for ~80% of the roof. This reduces the leakage potential by limiting the low sloping area and reducing the linear footage of membrane perimeter waterproofing.
- The roofing installer will guarantee their work and all installation methods are to follow the roofing manufacturer's requirements to be covered under warranty.
- The drain sizes and piping were designed by the plumbing engineer.

At the March 14 Council meeting, more conversation was had by the County Council regarding the roof slope and drainage and it was determined that the Project Manager and Architect would be asked to address this issue at the next Council meeting.

Funding and Liability Factors:

The County is on a tight time frame to submit funding information to the Federal Aviation Administration (FAA) to determine if they will financially support part of the airport project, particularly the lighting vault component of the project.

Bids are currently out for this project and are due back by March 30th. Any change to the building design will lead to change orders and/or the need to rebid and delay the project.

Council Options:

If Council is comfortable after learning more about the terminal roof design and drainage system, there is no action needed and the project will proceed to the bid opening phase at the end of March.

If Council, would like to see a new Terminal roof design and drainage system, the bidding process can be paused and a new design will be presented within the next three months.

Council can ask for more engineering and warranty information related to the roofing for the new terminal.

Recommendation:

Provide feedback to the Terminal Project Manager and Architect about the roof design and drainage system.

ATTACHMENTS:

Description	Upload Date	Type
Roof Design Narrative for New Airport Terminal	3/23/2022	Backup Material
Exhibit A to the Roof Design Narrative	3/23/2022	Exhibit
Exhibit B to the Roof Design Narrative	3/23/2022	Exhibit

Lancaster County Airport Terminal - Roof design narrative

Design Inspiration

The building design is intended to connect to the past while also looking to the future. We used a dominant material (brick) that connects to the history of the area in conjunction with modern materials, technology, and design. The design also speaks to the building's aviation function with elements that give a sense of motion and flight. These same concepts are carried into the interior of the building with ceilings sloping from the center up to tall windows looking out onto the airfield with dramatic floating lights in the waiting area and a dramatic high ceiling running the length of the concourse. The design is intended to have moments where your attention is drawn upwards to the sky. We would like to see the building be as dynamic and exciting as the activities going on around it. For some visitors to Lancaster this will be their first impression, the welcome center, and we hope that it can be a memorable experience that they share with others.

Roof Drainage Concept

The roof is covered with a combination of standing seam metal roof and TPO membrane roofing.

A portion of the roof will drain inward to central roof drains and a portion is draining to exterior scuppers/downspouts. Additionally we can add a gutter to another section of roof to direct more water to the exterior scuppers. This is color coded on one of the exhibits to help clarify. The metal roof areas that are directed to the center of the building drain onto a large areas of TPO low slope membrane (1,100 sf total). The low slope roof sections slope away from all walls and drain to central roof drains (4 locations). We have incorporated 2 strategies to address any potential backup of water on the roof, in the event that any of the primary drains clog:

1. Secondary overflow drains at each primary drain. See diagrams on exhibits.
2. There are also 4 locations where overflow water can escape the central area if all drains and the backups don't work. These drain into the exterior scuppers / downspouts that can be seen on either side of the conference room and pilots lounge

Low slope, inward draining roofs are very common in commercial buildings. Either one of the above overflow strategies would be acceptable and adequate on its own but we decided to incorporate an extra layer of protection, a belt and suspenders approach.

The central roof drains were sized by the plumbing engineer based on a water load of 4" per hour. The actual Lancaster County design rainfall is 3.5" per hour. The drains are oversized for a margin of safety.

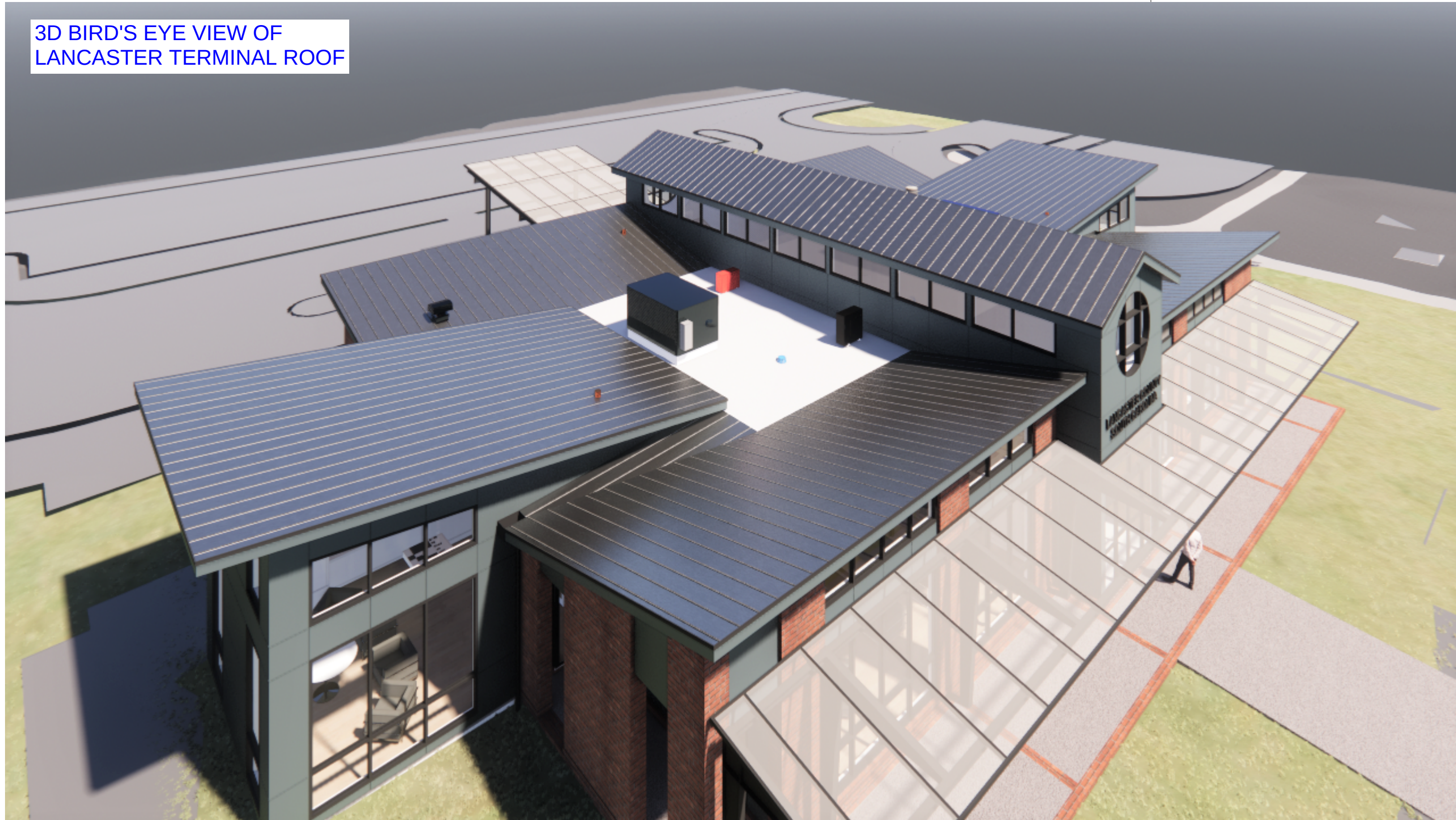
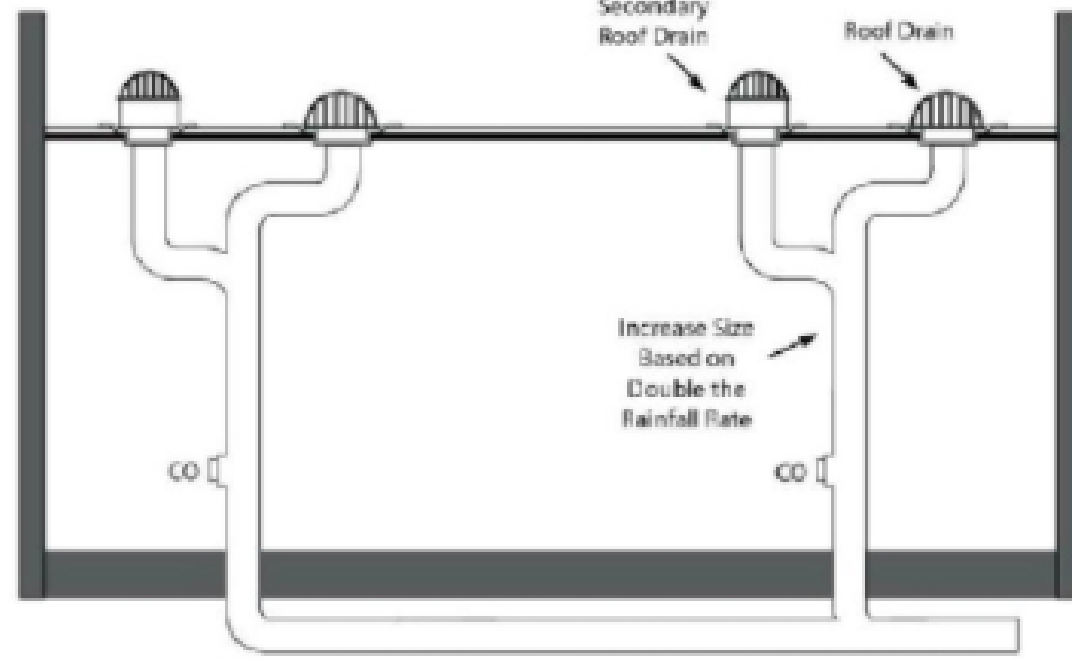
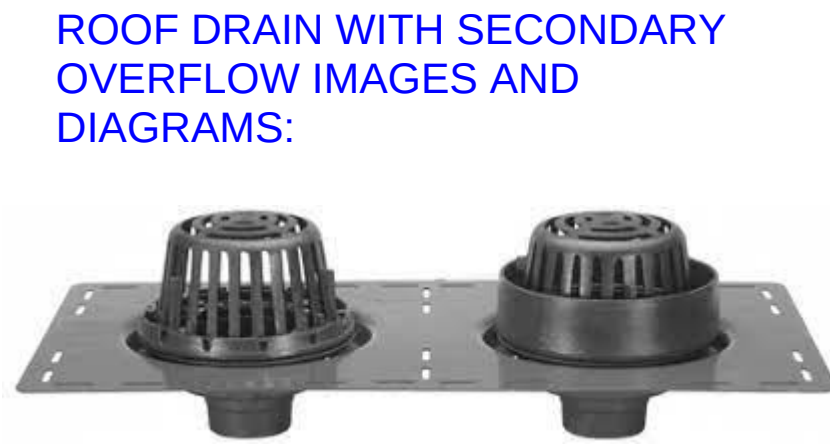
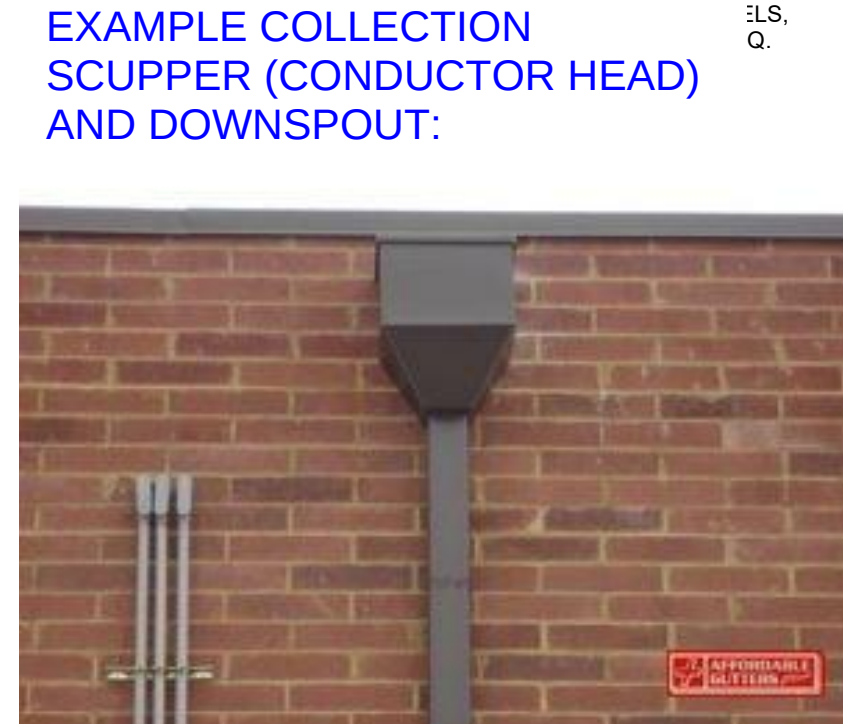
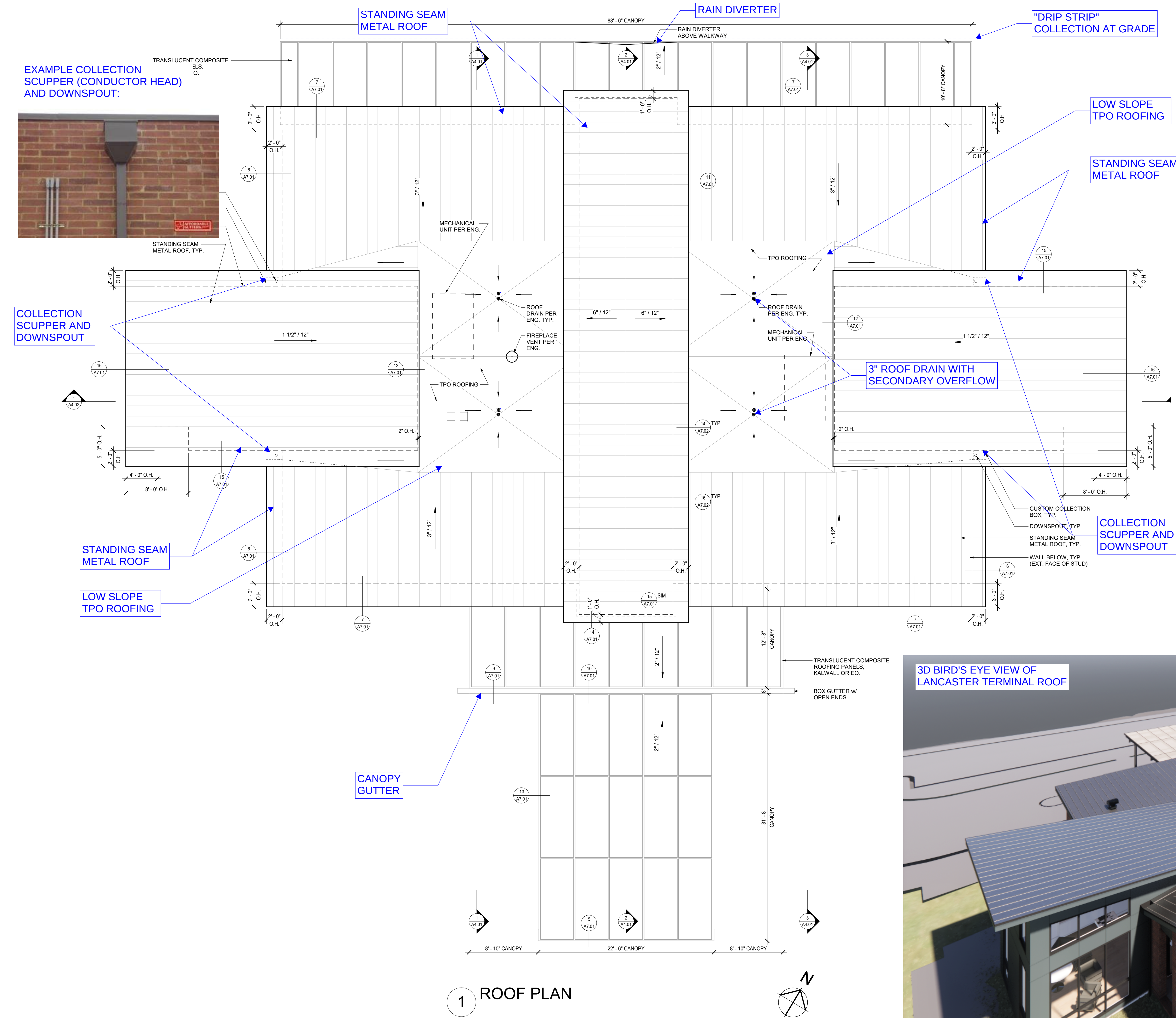
All flashing details, HVAC equipment supports, drain flashing, and transition between materials conform to the National Roofing Contractors Association roofing manuals (2020 NRCA: Metal Panel Roof Systems Manual and 2019 NRCA: Membrane Roof Systems Manual).

Our firm has designed a similar condition at the Blue Ridge Mountain Club clubhouse in Blowing Rock, NC. This building has a central draining mechanical well with other roofs draining into it. A photograph is included in the exhibits. We have also worked on other commercial buildings with central drained mechanical wells which often handle an equal volume of water.

Instead of covering the entire roof with a low slope membrane roofing (most common commercial roofing), the increased roof pitch around the perimeter allowed us to use a highly durable metal roofing for ~80% of the roof. The specified Kynar Coated metal roof panels have a 40 year warranty on the protective finish (with 30 years for color retention/chalking resistance). The specified 80mil TPO membrane has a 25 year product warranty.

Canopies

The canopy roof over the "air side entrance" has a diverter to direct the runoff away from the walkway. The remainder of the canopy roof is intended to drain into a landscaping "drip strip." Since the main roof is draining inwards, there will be a low volume of water draining off of this roof. The canopy roof over the "land side entrance" and porte cochere drains away from the building to a gutter that is between the porch space and the porte cochere. This gutter has open ends to drain into a rock lined landscape basin. A rain chain could also be used as an additional element. We have used this gutter method before and it creates a great water feature during rain and eliminates a downspout which can be very long on a broad overhang.



WDA

Woods Dendy Architects, LLC

AMERICAN INSTITUTE OF ARCHITECTS MEMBERS

893 GRAYS HIGHWAY
RIDGELAND, SC 29936

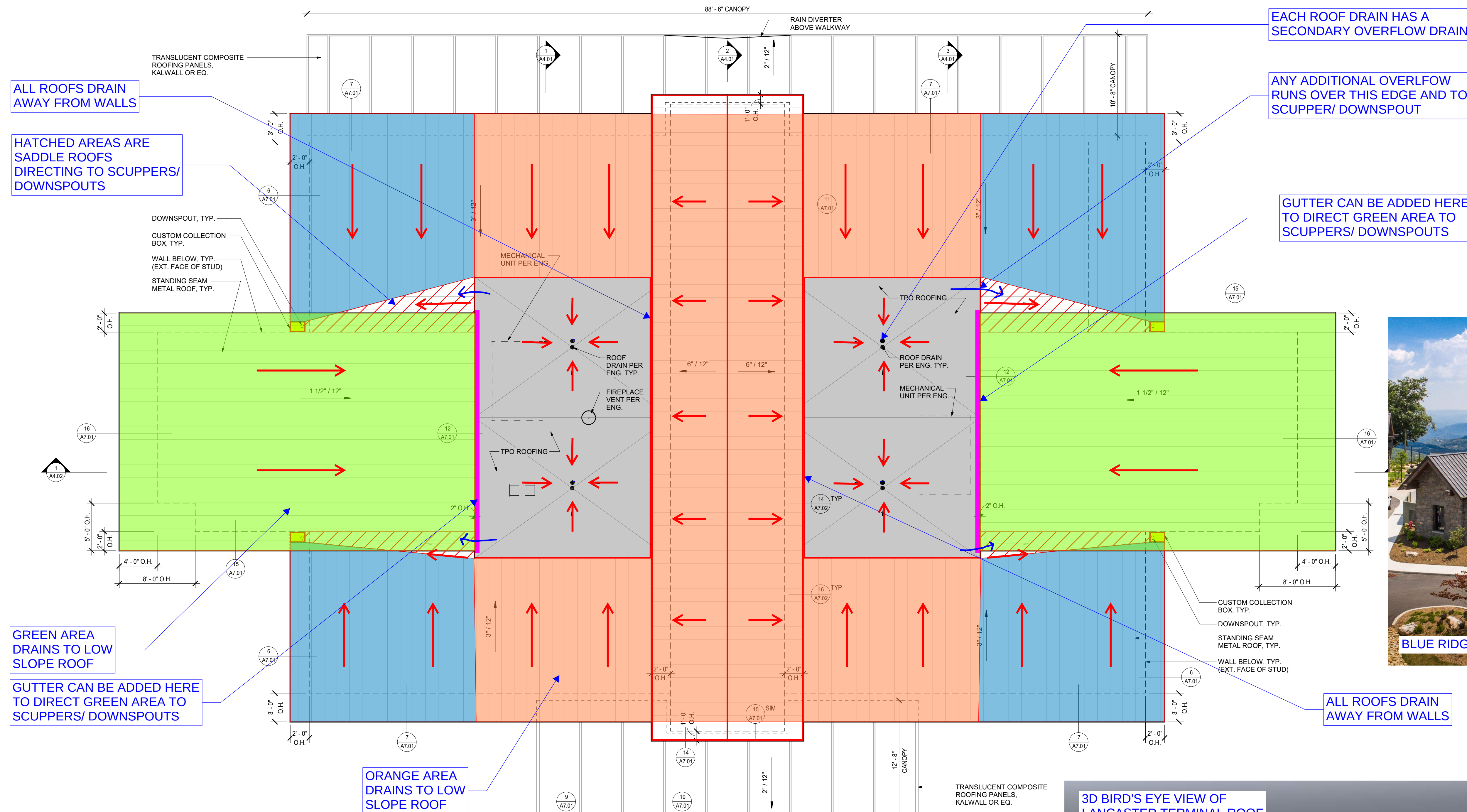
1 HAYWOOD ST, SUITE 421
ASHEVILLE, NC 28801

EXHIBIT A:
ROOF
DESCRIPTIONS

NEW CONSTRUCTION FOR:

**LANCASTER COUNTY AIRPORT
TERMINAL BUILDING**

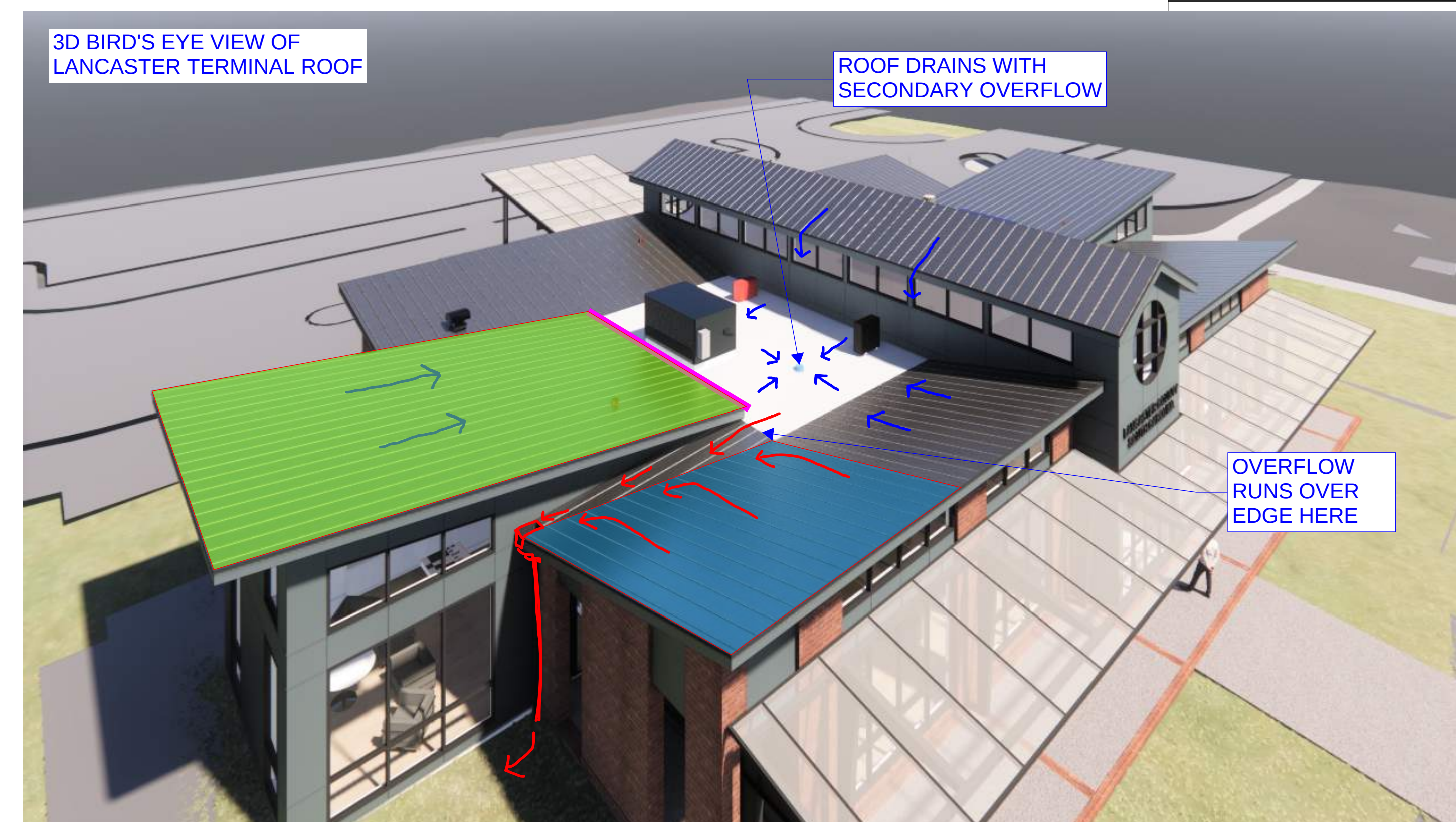
286 AVIATION BLVD, LANCASTER, SC



BLUE RIDGE MOUNTAIN CLUB EXAMPLE



HILTON HEAD NATIONAL - RV RESORT CLUBHOUSE EXAMPLE

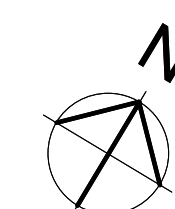


3D BIRD'S EYE VIEW OF LANCASTER TERMINAL ROOF

ROOF DRAINS WITH SECONDARY OVERFLOW

OVERFLOW RUNS OVER EDGE HERE

1 ROOF PLAN



NEW CONSTRU
LANCASTER
TERMINAL
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Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Dennis Marstall, County Administrator

Department: Administration

Date Requested to be on Agenda: 3/28/2022

Issue for Consideration:

Determine County Council's interest in undertaking a Development Impact Fee Study for the remaining parts of the county not currently assessed an impact fee.

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.

Funding and Liability Factors:

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

TischlerBise has indicated they have the capacity to undertake a new impact fee study starting this Spring/Summer.

The last study cost was \$76,340. Given the work already done by TishlerBise, it is envisioned a new study would be under \$60,000. The County has money remaining in the budget from the Comprehensive Plan Study underway that could absorb the costs of a new impact fee study and Capital Improvement Plan.

Council Options:

Initiate an impact fee study for areas of the county not currently in an impact fee area to determine future growth areas and capital projects and identify potential fee amount.

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

Recommendation:

Initiate an impact fee study in the area 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.