

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

February 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 Allen Blackmon**
4. **Approval of the Agenda**
[deletion and additions of non-substantive matter]
5. **Special Presentations**
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@lancaster-sc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancaster-sc.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 February 14, 2022 County Council Regular Meeting

8. **Non-Consent Agenda**

- a. Resolution 1189-R2022 regarding Approval of an Exception to County Property Disposal Plans and Procedures for Vehicles

Resolution Title: A Resolution Approving An Exception To County Property Disposal Plans And Procedures For Vehicles To Allow Donation Of A Used EMS Unit To The South Carolina Fire Academy In Exchange For Training Credits - **Dennis Marstall/Clay Catoe**

- b. Resolution 1190-R2022 regarding Amending the Second Master Multi-County Park Agreement with Chesterfield County to Add Property Located in Chesterfield County that is Known As Project Flair

Resolution Title: A Resolution To Amend The Second Master Multi-County Park Agreement Between Chesterfield County And Lancaster County, Dated As Of October 1, 2018, So As To Add To The Agreement Property Located In Chesterfield County That Is Known To Chesterfield County As Project Flair And Is Owned And/Or Operated By Ogburn Solar, LLC. - **John DuBose**

- c. Resolution 1191-R2022 regarding Authorization of Submission of a Grant Application to the Federal Aviation Administration (FAA) for Funding a Lighting Vault And Authorization of Funding Plans for a Lighting Vault and a New Terminal

Resolution Title: A Resolution Authorizing The Submission Of A Grant Application To The Federal Aviation Administration (FAA) For Funding Of A Lighting Vault And Authorizing Development Of County Funding Plans For The Lighting Vault And A New Terminal - **Dennis Marstall**

- d. Resolution 1192-R2022 Regarding Authorization of ARPA Funding for Various Information Technology Projects, the Coroner's Office Expansion, and Lancaster County Water and Sewer District Wastewater Project

Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For Information Technology Projects, Expansion Of The Lancaster County Coroner's Office, And The Hannah's Creek Wastewater Expansion Project - **Dennis Marstall**

- e. 3rd Reading of Ordinance 2022-1794 regarding Approving a First Amendment to the Development Agreement for The Reserve at Barber Rock

Ordinance Title: An Ordinance To Approve A First Amendment To The Development Agreement Between Bonterra Builders, LLC And Lancaster County For The Reserve At Barber Rock To Remove Approximately 1.017 Acres Of Real Property From The Development Agreement And To Authorize Execution And Delivery Of The First Amendment To The Development Agreement With Bonterra Builders, LLC. - **Planning Department Case Number: DA-2019-0803. The Planning Commission recommended approval by a vote of 6-0 and the Planning staff also recommend approval of the request. Passed 7-0 at the January 24, 2022 County Council Meeting. Passed 6-0 at the February 14, 2022 County Council Meeting (Larry Honeycutt Absent).** - **Rox Burhans**

- f. 2nd 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. The Planning Commission recommended approval by a vote of 5-1 and staff recommended approval of the text amendment. Passed 6-0 at the February 14, 2022 County Council Meeting (Larry Honeycutt Absent).** - **Rox Burhans**

- g. 1st 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. - **Dennis Marstall**

9. **Discussion and Action Items**

- a. Approval of Appointments to the Van Wyck Fire Protection District Fee Board
- Lorrie Ayers to the Van Wyck Fire Protection District Fee Board as one of the four

appointees to fill a four year term that would expire on 06/30/2025 (1st Term)

- David Basri to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a four year term that would expire on 06/30/2025 (1st Term)
- Sheena Hinson to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a two year term that would expire on 06/30/2023 (1st Term)
- Monty King to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a two year term that would expire on 06/30/2023 (1st Term)

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]

14. Adjournment

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

*Meetings are live streamed and can be found by using the following link:
<https://www.youtube.com/channel/UCgS1MrcYjcYcu1m-e6TV54w>*

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: 2/28/2022

Issue for Consideration:

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

Points to Consider:

The draft minutes from the February 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 2-14-2022 County Council Regular Meeting	2/23/2022	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

February 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, Terry Graham, Steve Harper, Charlene McGriff and Billy Mosteller.

Council Members Absent: Larry Honeycutt.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director, who attended Executive Session only; Amanda Roberts, District Manager for Lancaster Soil and Water Conservation District; various Department Heads; various staff; the press; and citizens.

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

Call to Order Regular Meeting - Chairman Steve Harper

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

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. He introduced April Williams as the new Library Director.

Pledge of Allegiance and Invocation - Council Member Charlene McGriff

Charlene McGriff led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. Motion Passed 6-0.; Absent: Honeycutt

Special Presentations

Amanda Roberts, District Manager for the Lancaster Soil and Water Conservation District presented the 2021 update from the District. She introduced Mr. Joe Ghent, Chairman of the Conservation District Board and Mr. Jim Boling, one of the Cane Creek Watershed Board Directors. She reviewed the District newsletter attached to the agenda packet and explained the new Sowing Seeds Program, limited to one packet per household. She provided Council with a handout entitled, "Farmers' Guide to Farm Bill Programs" and that handout is attached as Schedule A to the written minutes in the Clerk to Council's office. She discussed how they work with Emergency Management and Public Safety Communications to communicate when residents need to evacuate the area due to a high-hazard dam break. She informed the Council about the 5 lakes they oversee in Lancaster County; site 7 - Campbell Lake off Campbell Lake Road; site 16 - Ghent Reservoir off New Cut Circle; site 18A - Gills Creek off Catoe Road; site 10D - Bear Creek off Potter Road, which is the only one with public access to a county park; site 12 - Little Lynches in Kershaw. The 4 upper lakes protect Lancaster along the city limits from flooding and Little Lynches protects Kershaw from flooding.

Citizens Comments

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

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.**, **7b.**, **7c.** and **7d.** *[as listed in the Agenda package, which are the same as Item a., Item b., Item c. and Item d. listed below]*. Seconded by Charlene McGriff. Motion Passed 6-0.; Absent: Honeycutt

- a. Approval of Minutes from the January 12, 2022 County Council Committee Of The Whole Meeting
- b. Approval of Minutes from the January 21, 2022 County Council Retreat and Workshop Meeting
- c. Approval of Minutes from the January 24, 2022 County Council Regular Meeting
- d. Approval of Minutes from the January 31, 2022 County Council Special Meeting

Non-Consent Agenda

2nd Reading of Ordinance 2022-1794 regarding Approving a First Amendment to the Development Agreement for The Reserve at Barber Rock

Ordinance Title: An Ordinance To Approve A First Amendment To The Development Agreement Between Bonterra Builders, LLC And Lancaster County For The Reserve At Barber Rock To Remove Approximately 1.017 Acres Of Real Property From The Development Agreement And To Authorize Execution And Delivery Of The First Amendment To The Development Agreement With Bonterra Builders, LLC. - **Planning Department**
Case Number: DA-2019-0803.

Terry Graham moved to approve the 2nd Reading of Ordinance 2022-1794. Brian Carnes seconded the motion.

Allen Blackmon moved to amend Exhibit A to Ordinance 2022-1794 by substitution and replacement with the revised Exhibit A that is included in the agenda package. The revised Exhibit A contains the legal description of the property removed from the Development Agreement.

The motion to approve the 2nd Reading of Ordinance 2022-1794, as amended, passed 6-0.; Absent: Honeycutt

Public Hearing and 1st 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.**

Steve Harper opened the Public Hearing for Ordinance 2022-1795 at approximately 6:24 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 6:24 p.m.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2022-1795. Seconded by Charlene McGriff.

Council and staff discussed whether the County should wait until the UDO is rewritten before moving forward with this Ordinance, Council discussed their concerns regarding unintended consequences for small places of assembly; and discussed whether businesses could be grandfathered in if they were expanding.

Motion to approve the 1st Reading of Ordinance 2022-1794 Passed 6-0.; Absent: Honeycutt

Discussion and Action Items

Approval of Appointments to the Employee Grievance Committee

- Bill Allen from Public Works to serve a two year term that will expire 12/30/2023
- Mike Barnes from Parks and Recreation to serve a one year term that will expire 12/30/2022
- Terrance Barr from Stormwater to serve a three year term that will expire 12/30/2024
- Dawn R. Faulkenberry from the Auditor's Office to serve a three year term that will expire 12/30/2024
- Joshua Faulkenberry from EMS to serve a one year term that will expire 12/30/2022
- Carolyn Harris from Public Safety Communications to serve a two year term that will expire 12/30/2023
- Patricia Rutledge from the Assessor's Office to serve a three year term that will expire 12/30/2024

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

Council asked if the two Faulkenberry appointments were related; and staff responded they are not.

Motion Passed 6-0.; Absent: Honeycutt

Approval of Appointment to the Health and Wellness Commission

- Bridget Harris to the Health and Wellness Commission as the Hospital Representative to fill an unexpired term that will end on 06/30/2025

Charlene McGriff moved to approve. Seconded by Terry Graham. Motion Passed 6-0.; Absent: Honeycutt

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

Three Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. *One Economic Development Discussion: Project Genesis. SC Code 30-4-70(a)(5).*
2. *Legal Briefings regarding Pending or Threatened Litigation Matters. SC Code 30-4-70(a)(2).*
3. *Discussion of a Proposed Contractual Matter. SC Code 30-4-70(a)(2).*

Charlene McGriff moved to go into Executive Session. Seconded by Billy Mosteller. Motion Passed 6-0.; Absent: Honeycutt. At approximately 6:31 p.m., Council went into Executive Session to discuss the following items: (1) one Economic Development Discussion, Project Genesis, pursuant to South Carolina Code 30-4-70(a)(5); (2) legal briefings regarding pending or threatened litigation matters, pursuant to South Carolina Code 30-4-70(a)(2); (3) discussion of a proposed contractual matter, pursuant to South Carolina Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:16 p.m. Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff. Motion Passed 6-0.; Absent: Honeycutt.

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

Allen Blackmon asked for discussion regarding the tonage that has doubled at Public Works from 2020 to 2021. Chairman Harper stated this discussion will be held at the April Committee of the Whole meeting.

Adjournment

Terry Graham moved to adjourn the Council meeting. Seconded by Brian Carnes. The motion to adjourn Passed 6-0.; Absent: Honeycutt. There being no further business, the regular meeting of Council adjourned at approximately 7:18 p.m.

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1189-R2022

Contact Person / Sponsor: Clayton L Catoe / EMS

Department: Attorney

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Council approved a one-time exception to the county disposal policy for an EMS ambulance at the January 24, 2022 Council meeting. However, because the County would be disposing of and donating an asset of the County, Council is being asked to approve of this procurement exception via Resolution.

Currently, Lancaster County has a county property disposal plan for vehicles through Fleet Maintenance. This request is for a one-time alternate action that would allow Lancaster County to Donate a used EMS unit to the South Carolina Fire Academy. This unit is no longer suitable to Lancaster County due to high mileage. The SCFA will accept this donation as is and not hold Lancaster County responsible for any current issues. The SCFA will use this unit as a training unit to teach future EMT classes onsite. Members of the SCFA have visited and reviewed this unit. In return for this donation, Lancaster County EMS will get \$5,000 worth of training to members of our department. The SCFA will make notation on the side of this unit that it was donated to the SCFA by Lancaster County.

Points to Consider:

The cost of training that Lancaster County EMS will pay the SCFA for future training. The SCFA will accept this unit "as is" and will not hold Lancaster County for any mechanical issues found with this unit.

Funding and Liability Factors:

None

Council Options:

Approve the Resolution or request the unit be disposed of as current policy states.

Recommendation:

Approve the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1189-R2022	2/18/2022	Resolution
Memorandum of Understanding	1/13/2022	Ordinance

A RESOLUTION

**APPROVING AN EXCEPTION TO COUNTY PROPERTY DISPOSAL PLANS AND
PROCEDURES FOR VEHICLES TO ALLOW DONATION OF A USED EMS UNIT TO
THE SOUTH CAROLINA FIRE ACADEMY IN EXCHANGE FOR TRAINING
CREDITS**

WHEREAS, Lancaster County disposes of surplus vehicles through Fleet Maintenance by auction or other mechanisms in the Lancaster County Procurement Code.

WHEREAS, Lancaster County EMS (LCEMS) wishes to donate a high mileage EMS unit to the South Carolina Fire Academy (SCFA) for SCFA to use as a training unit to teach EMT classes but donation of surplus property to other government entities is not specifically contemplated by the Lancaster County Procurement Code.

WHEREAS, Lancaster County will provide the EMS unit to SCFA “as is” with no liability for the condition of the vehicle and SCFA will add the EMS unit to its fleet insurance policy.

WHEREAS, SCFA will provide LCEMS Five Thousand Dollars (\$5,000) worth of free training for LCEMS to utilize in the three year period following the donation.

WHEREAS, LCEMS is informed and believes that the EMS unit has a value that is comparable to the training credits offered by SCFA.

WHEREAS, LCEMS believes that the donated EMS unit will improve the training offered by SCFA, resulting in a benefit tot Lancaster County and other political subdivision of the State OF South Carolina.

WHEREAS, the donation of the EMS unit is approved and is in furtherance of the public interest, health, and safety of the citizens of Lancaster County.

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

That County Council hereby approves an exception to standard procedures for disposal of surplus property to allow donation of the LCEMS unit to the SCFA in “as-is” condition and with no liability to Lancaster County in exchange for Five Thousand Dollars (\$5,000) of training credits from SCFA. The County Administrator, the LCEMS Director, and any other necessary Lancaster County employees and contractors are authorized to execute a Memorandum of Understanding with SCFA and all other documents necessary to effectuate the authorized donation to SCFA.

AND IT IS SO RESOLVED.

Dated this 28th day of February, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

[SEAL]

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Approved as to Form:

John DuBose, County Attorney

STATE OF SOUTH CAROLINA

Lancaster County EMS

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MEMORANDUM OF UNDERSTANDING

This Agreement is made this ____ day of _____, 2021 between the Lancaster County EMS (LCEMS) and the South Carolina Fire Academy (Fire Academy).

In consideration of the mutual covenants contained in this Agreement, the sufficiency of which is hereby acknowledged, the parties agree as follows:

The LCEMS has agreed to transfer ownership of a 2008 International Ambulance to the South Carolina Fire Academy EMS Program. As compensation for the ambulance, the Fire Academy agrees to provide up to Five Thousand Dollars (\$5000.00) worth of free training annually to LCEMS for a three year period. The EMS Director has sole discretion in determining how the funds will be applied to various training programs offered by the Fire Academy, with the understanding that all students register through the normal Fire Academy registration process.

Section One: Description of Ambulance

The property referred to in this Agreement is a 2008 International Ambulance, VIN # 1HTMNAAM29H159727.

Section Two: Terms

The terms of this Agreement shall be effective for three (3) years beginning on the ____ day of _____, 2021 and ending on the ____ day of _____, 2024.

The Fire Academy has inspected this ambulance, is accepting ownership of this ambulance "as is", and LCEMS will deliver the ambulance to the Fire Academy campus after agreeing to the terms of this MOU. The Fire Academy will add this vehicle to the current fleet insurance policy as the owner of the ambulance upon transfer of title and shall utilize the ambulance as it sees fit. The Fire Academy will be responsible for all maintenance and upkeep upon delivery of the ambulance to the Fire Academy campus. The Fire Academy staff shall remove all logos and lettering specified by LCEMS upon delivery of the ambulance to campus prior to use.

Section Three: Governing Law

It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of South Carolina.

Section Four: Entire Agreement

This Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

Section Five: Notices

All notices, demands or other writings in this Agreement provided to be given or made or sent or which may be given or made or sent, by either party to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as follows:

To the Department:

Lancaster County EMS
Clay Catoe/ EMS Director

To the Fire Academy:

South Carolina Fire Academy
LLR-Division of Fire & Life Safety
Dennis K. Ray/Superintendent
141 Monticello Trail
Columbia, SC 29201

Section Six: Counterparts

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the date first mentioned above.

FOR THE FIRE ACADEMY:

South Carolina Fire Academy
LLR-Division of Fire & Life Safety
141 Monticello Trail
Columbia, SC 29201

By: _____ Date: _____
Emily Farr, Agency Director
SC Dept of Licensing & Regulations

FOR LCEMS:

Lancaster County EMS
10209 Walnut Creek Pkwy., Lancaster, SC 29720

By: _____ Date: _____
Clay Catoe
Lancaster County EMS Director

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1190-R2022

Contact Person / Sponsor: John DuBose / County Attorney

Department: Administration

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

The Chesterfield County Attorney has contacted the County and is asking on behalf of Chesterfield County for the Lancaster County Council to adopt a resolution to approve the addition of property located in Chesterfield County to the Second Master Multi-County Park (MCP) Agreement. Chesterfield County approved the addition of the property by passage of Ordinance No. 21-22-10 on February 2, 2022. The properties being added to the Second Master MCP Agreement are all associated with a new solar project locating in Chesterfield County (Project Flair / Ogburn Solar).

Points to Consider:

The Second Master MCP Agreement was set-up in 2018 at the request of Chesterfield County for solar projects in located Chesterfield County. No property in Lancaster County is included in the Second Master MCP Agreement. In 2020, Lancaster County Council approved additional property located in Chesterfield County for the Second Master MCP Agreement (February 10, 2020, Resolution No. 1080-R2020, Centerfield Cooper Solar, LLC). The Second Master MCP Agreement provides that property may be added to the Multi-County Park by ordinance of the County in which the subject property is located and by resolution of the non-host County.

Funding and Liability Factors:

The Second Master MCP Agreement provides that Lancaster County will receive one percent (1%) of the revenue generated from properties included in the Second Master MCP Agreement.

Council Options:

Approve or disapprove the Resolution.

Recommendation:

Approve the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1190-R2022	2/17/2022	Resolution

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A RESOLUTION

Section 2. Approval of amendment.

Council approves the amendment of Exhibit B (Chesterfield County) of the Second Master Multi-County Park Agreement to include the addition of the following property:

EXHIBIT B (Chesterfield County)
Chesterfield County Property

Project Flair

Tax Map Nos.

Owner/Lessee

036 000 000 022
036 000 000 020
036 014 001 001

Ogburn Solar, LLC

Section 3. Preparation of amended Park Agreement.

Upon passage of this resolution, and an ordinance of Chesterfield County (Ordinance No. 21-22-10 on February 2, 2022), approving the addition of the property identified in this resolution, the County Administrator of Chesterfield County, in coordination with the County Administrator of Lancaster County, shall cause to be prepared a Second Master Multi-County Park Agreement with Exhibit B (Chesterfield County) revised as set forth in Section 2 of this resolution. A copy of the Second Master Multi-County Park Agreement with a revised Exhibit B (Chesterfield County) shall be provided to the Administrator, Clerk to Council, Assessor, Auditor and Treasurer of Chesterfield County and Lancaster County.

Section 4. Conflicting provisions.

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

Section 5. Severability.

If any section of this resolution is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this resolution which is not itself void or invalid.

Section 6. Effective Date.

This resolution takes effect on its adoption.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO RESOLVED

Dated this 28th day of February, 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

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Agenda Item Summary

Ordinance # / Resolution #: Resolution 1191-R2022

Contact Person / Sponsor: Dennis Marstall / Administration and Ken Holt / Contractor -- Holt Consulting

Department: Attorney

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Submitting a grant application to the FAA.

Developing the funding plan for a new Airport Terminal and and Lighting Vault.

Points to Consider:

County Administration and Airport staff have engaged Holt Consulting to meet the FAA's aggressive grant funding timeline to finalize a grant request for 90% FAA funding for a new lighting vault.

As part of the lightening vault project, and the proposed location from its existing location, the County Council supported the creation of a study committee to explore the development of a new Terminal for the airport to be built with County funds.

The study committee conducted tours of nearby airports and evaluated amenities to be included in a new Terminal.

The County, via Holt consulting, contracted for architectural services to develop a design concept and plans for a new terminal.

The design concept and floor plan was presented for County Council's review and feedback at the February 16, 2022 Committee of the Whole meeting and received favorable feedback.

Based upon reaction to the design concept and funding plan, County Administration will begin the bidding and project funding plan for this project.

Funding and Liability Factors:

The total project cost for the new Terminal and Lighting Vault is estimated to be \$4,740,000 with \$1,056,000 paid by the FAA and \$514,500 paid by the SC Aeronautics Commission, leaving the County share at \$3,169,500.

Because this project is fully developed, it will be submitted for additional funding under the Bipartisan Infrastructure Law Airport Terminal Program Competition grant that would further reduce the County's share of the cost of this project.

Council Options:

Authorize the grant application to the FAA for the lighting vault project and the development of a funding plan for the new Airport terminal.

Authorize the lighting vault grant, but delay the new Airport terminal funding plan.

Recommendation:

Authorize the Lancaster County Administrator, and his designees, to submit a grant application to the FAA for funding of the lighting vault and develop a funding plan for the lighting vault and the terminal project, or phases of the terminal project, for inclusion in the fiscal year 2022- 2023 budget..

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1191-R2022	2/21/2022	Resolution
Airport Terminal and Lighting Vault Project	2/10/2022	Presentation

COUNTY OF LANCASTER

**A RESOLUTION AUTHORIZING
THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL AVIATION
ADMINISTRATION (FAA) FOR FUNDING OF A LIGHTING VAULT AND
AUTHORIZING DEVELOPMENT OF COUNTY FUNDING PLANS FOR THE
LIGHTING VAULT AND A NEW TERMINAL**

WHEREAS, Lancaster County pursuant to South Carolina Code of Laws Section 4-9-140 annually adopts operating and capital budgets for the operation of county government.

WHEREAS, Lancaster County must submit a grant application to the FAA on or before April 11, 2022 to be eligible for ninety percent (90%) FAA funding for a new lighting vault at the Lancaster County Airport – McWhirter Field.

WHEREAS, aggressive FAA grant submission deadlines require that the lighting vault project be placed for bids on or before February 28, 2022.

WHEREAS, as part of the lightening vault project, and the proposed re-location of the lighting vault its present location, the County Council supported the creation of a study committee to explore the development of a new terminal for the airport to be built with County funds.

WHEREAS, the study committee conducted tours of nearby airports and evaluated amenities to be included in a new Terminal and Lancaster County, via Holt consulting, contracted for architectural services to develop a design concept and plans for a new terminal.

WHEREAS, Lancaster County Council has reviewed the design concept and plans for a new terminal and believes that the new terminal project is in the best interest of Lancaster County and is appropriate for further action and, therefore, requests a funding plan for the lighting vault and new terminal be prepared and presented to County Council as part of the budget for fiscal year 2022-2023.

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

That Lancaster County Council hereby approves and authorizes the Lancaster County Administrator, and his designees, to submit a grant application to the FAA for funding of the lighting vault. The Lancaster County Council further authorizes and directs that County Administrator, and his designees, develop a funding proposal for the lighting vault and the terminal project, or phases of the terminal project, for inclusion in the fiscal year 2022-2023 budget.

IT IS SO RESOLVED

by County Council this 28th day of February, 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 DuBose, County Attorney

Lancaster County Airport Terminal Program Update

LANCASTER COUNTY COUNCIL COMMITTEE OF THE WHOLE

February 16, 2022

Lancaster County Airport



HOLT
CONSULTING COMPANY, LLC.

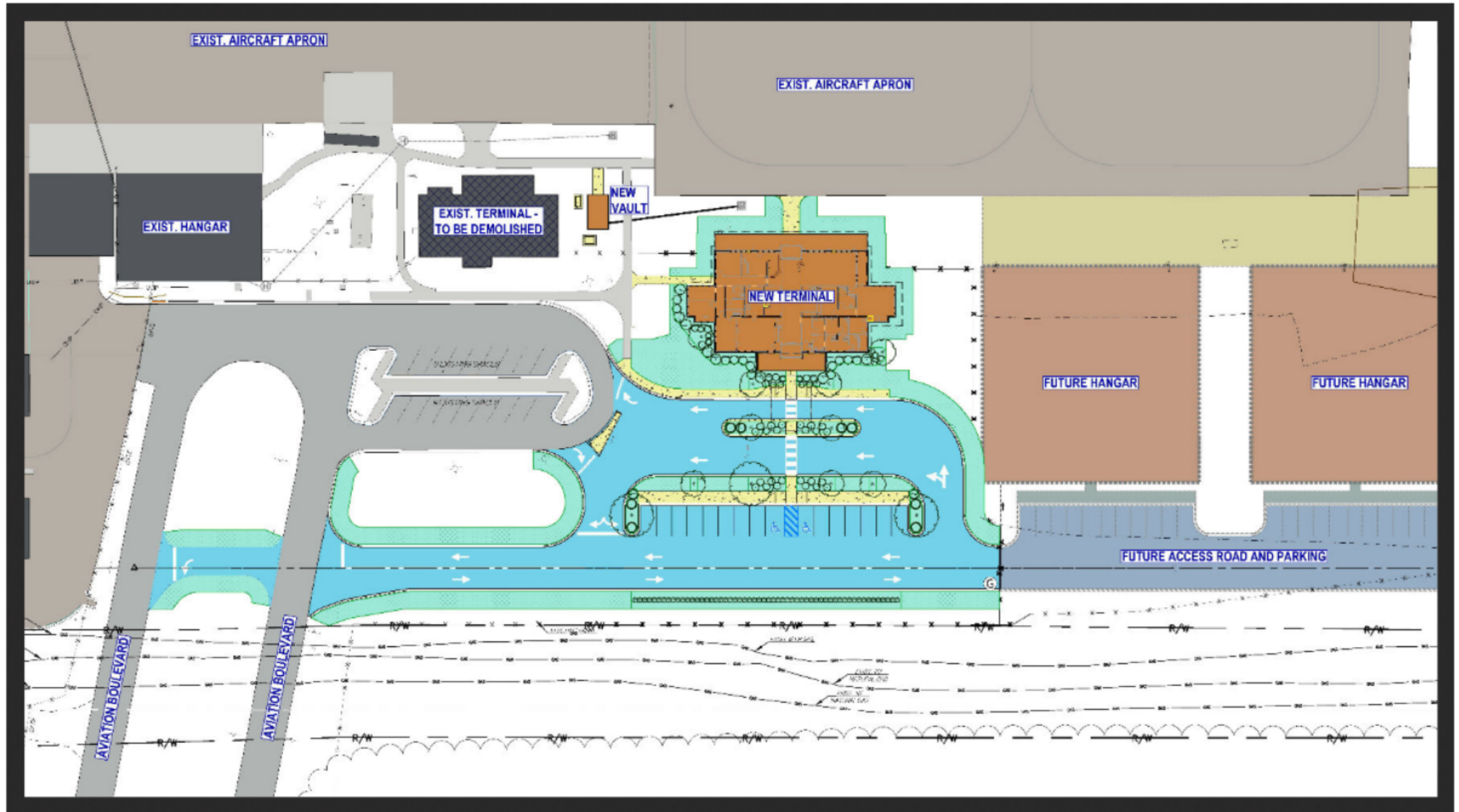


TERMINAL PROGRAM COMPONENTS



New Terminal Building
Lighting Vault
Generator
Parking & Circulation Infrastructure

TERMINAL PROGRAM LAYOUT



LANDSIDE VIEW



AIRSIDE VIEW



This architectural floor plan illustrates the layout of the first floor of an airport terminal. The plan is divided into several functional zones:

- Office and Administrative Zone:** Includes the Airport Manager Office (129, 192 SF), Crew Open Office (128, 300 SF), Open Office (125, 123 SF), and Conference (126, 166 SF).
- Public and Passenger Zone:** Features a large Waiting Area (104, 617 SF), a Lounge (105, 166 SF), and a Pilot Lounge (110, 467 SF).
- Service and Support Zone:** Contains the Kitchen (120, 179 SF), Staff Restroom (121, 40 SF), and various restrooms including Men's (113, 182 SF), Women's (114, 231 SF), and a Pilot Restroom (108, 99 SF).
- Entry and Circulation:** Includes the Entry Airlock (101, 99 SF), Ramp Airlock (103, 99 SF), and several corridors and vestibules.
- Specialized Rooms:** Includes a Board Room (119, 860 SF), a Quiet Room (107, 152 SF), a Janitor (112, 21 SF), and a Mechanical room (115, 40 SF).
- Structural and Utility Elements:** Shows a Sprinkler Riser (118, 50 SF), an ELEC. room (117, 41 SF), and a note about a steel beam for a future operable partition.

The plan also includes numerous dimensions for walls, openings, and overall room sizes, as well as alignment markers and door swing indicators.

MAIN CORRIDOR



WAITING AREA & SNACK/COFFEE BAR



AIRPORT MANAGER'S OFFICE



BOARDROOM



FUTURE SCHEDULE MILESTONES

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
FEBRUARY 28TH TO MARCH 31ST			Bidding			
MARCH 31ST TO APRIL 5TH			Bid Evaluation & Recommendation of Award			
APRIL 11TH			FAA Grant Application Submission			
JUNE/JULY			Grant Agreement Execution			
AUGUST/SEPTEMBER			Construction Notice to Proceed			

LANCASTER COUNTY AIRPORT TERMINAL BUILDING PROGRAM

					
	COMPONENT	CONSTRUCTION COST ESTIMATE	FAA SHARE	SCAC SHARE	COUNTY SHARE
	Terminal Building (Building, Furniture/Fixtures/Equipment, Data Access Control/Fire Surpression/Security)	\$3,385,000	\$0	\$500,000	\$2,885,000
	Site Work (Parking/Circulation, Exit Road, Landscaping, Fencing, Gates, Existing Terminal Building Demolition)	\$1,005,000	\$795,000	\$0	\$210,000
	Lighting Vault	\$207,800	\$187,020	\$10,390	\$10,390
	Emergency Generator (Airfield)	\$82,200	\$73,980	\$4,110	\$4,110
	Emergency Generator (Upsize for Landside)	\$60,000	\$0	\$0	\$60,000
	TOTAL	\$4,740,000	\$1,056,000	\$514,500	\$3,169,500

Lancaster County Airport annual reimbursement through the Bipartisan Infrastructure Law annual allocation of \$159,000 for 5 years

Note: County share can be reduced through reimbursement of entitlement funding (\$150,000/year); planned to offset hangar costs

Note: Bipartisan Infrastructure Law Airport Terminal Program Competition may be a funding source; NOFO soon to come

Note: Construction phase services TBD

ANY
QUESTIONS



Agenda Item Summary

Ordinance # / Resolution #: Resolution 1192-R2022

Contact Person / Sponsor: Kimberly Belk, Budget Director / Scott Hernandez, Information Technology

Department: Finance

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Authorize ARPA fund expenditures for ten information technology-related projects totaling \$3,002,860.

The ten projects include:

1. Audio Visual Upgrades for Council Chambers \$69,260
2. County-wide Network Overhaul \$1,895,680
3. Enhanced Bandwidth and Remote operations for Sheriff's Office \$657,375
4. Remote workstations \$43,000
5. Administration Building Security Upgrades \$63,900
6. Camera System for 911 Communications \$50,295
7. Digital Records Indexing for citizen access for Assessor and Register of Deeds \$125,000
8. GIS server replacement \$43,115
9. Vendor Software for enhanced procurement online functions \$34,435
10. Fiber internet capability for the Airport \$20,800

Authorize ARPA funding expenditures for the expansion of the Coroner's Office totaling \$1,770,000.

Authorize ARPA funding expenditures for the Hannah's Creek wastewater project upsize totaling \$500,000.

Points to Consider:

The County has been allocated \$19,037,682 in federal ARPA funds and has expended \$3,558,796 to date.

County Administration presented a prioritized list of 23 recommended projects to be funded with the remaining \$15.4 million in ARPA funds to the County Council at the February 16, 2022 Committee of the Whole meeting.

County Council feedback at that meeting was for Administration to bring back the prioritized items in groupings or batches for more Council consideration, starting with information technology-related projects and including the Coroner's Office expansion and water/sewer project for Hannah's Creek wastewater project upsize.

Given the supply chain issues and long lead time to order information technology hardware and software, plus complete construction projects in a tight labor market, County Administration's strategy is to initiate these initial IT, Coroner's Office, and wastewater projects as soon as possible, given many of these projects could take a year to 18 months to complete.

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

Funding and Liability Factors:

The ten information technology-related projects will cost approximately \$3,002,860.

The Coroner's Office expansion is estimated to cost \$1,770,000.

The Water/Sewer project allocation would be \$500,000.

Council Options:

Authorize all, some or none of the ten information technology-related projects and authorize or delay the Coroner's Office expansion project and Water and Sewer District Project at Hannah's Creek.

Recommendation:

Authorize all ten information technology-related projects, the Coroner's Office expansion, and the Water/Sewer project using federal ARPA funds.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1192-R2022	2/23/2022	Resolution
Exhibit 1 for Resolution 1192-R2022	2/22/2022	Exhibit
Priority List Presented at Feb. Committee of the Whole	2/22/2022	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION 1192 -R2022

A RESOLUTION

**AUTHORIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR
INFORMATION TECHNOLOGY PROJECTS, EXPANSION OF THE LANCASTER
COUNTY CORONER'S OFFICE, AND THE HANNAH'S CREEK WASTEWATER
EXPANSION PROJECT**

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 information technology projects, expansion of the Lancaster County Coroner's Office and wastewater expansion project at Hannah's Creek are projects of high priority and immediate need.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lancaster County authorizes the expenditure of ARPA funds on the information technology projects, the expansion of the Lancaster County Coroner's Office, and wastewater expansion project at Hannah's Creek as set forth on the attached Exhibit 1 and directs and authorizes the County Administrator to take all necessary steps to effectuate the listed projects.

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IT IS SO RESOLVED

by County Council this 28th day of February 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

Priority	Department/Agency	Project	Cost	Notes
1	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.
1	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 and citizen needs and would provide more robust security in our network.
1	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.
1	IT	Remote Workstations	43,000	Laptops and docking stations which would allow for more remote work capabilities
1	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.
1	911 Communications	Avigilon Camera System	50,295	Replacement of malfunctioning camera system which has some cameras completely down right now.

Priority	Department	Project	Cost	Notes
1	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.
1	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.
1	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.
1	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.
2	Coroner	Building Expansion	1,770,000	Expansion of their current office space due to significant increases in caseload and complexity of cases.
3	Lancaster County Water and Sewer District	Water/Sewer Infrastructure	500,000	Wastewater Hannah's Creek upsize phase 1a
Total			5,272,860	

Departmental Projects				
Priority	Department	Project	Cost	Notes
1	IT & Administration	AV 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.
2	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 and citizen needs and would provide more robust security in our network.
3	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.
4	IT	Remote Workstations	43,000	Laptops and docking stations which would allow for more remote work capabilities
5	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.
6	Coroner	Building Expansion	1,770,000	Expansion of their current office space due to significant increases in caseload and complexity of cases.

Priority	Department	Project	Cost	Notes
7	911 Communications	Avigilon Camera System	50,295	Replacement of malfunctioning camera system which has some cameras completely down right now.
8	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.
9	EMS	HQ 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.
10	Sheriff	Embedded Mental Health Services	375,000	Provide contracted mental health services to public safety departments/employees.
11	EMS	Ambulance 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.
12	Registrations 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.

Priority	Department	Project	Cost	Notes
13	Clerk of Court	Public Defender Addition	500,000	Addition due to the increased staff over the last few years and to allow for future growth.
14	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.
15	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.
16	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.
17	Emergency Management	Storage Warehouse	1,000,000	Storage space for stockpile of personal protective equipment and supplies including gloves, masks, gowns, etc.
18	Multiple	Barnett Building Renovation	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.
19	Recreation	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.

Priority	Department	Project	Cost	Notes
20	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.
21	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.
22	Risk Management	Personal Protective Equipment (PPE)/Supplies	50,000	Two years of PPE and covid supplies including gloves, masks, and disinfectants.
23	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.
Other				
		Project	Cost	Notes
		Nonprofits/Community Program	100,000	Allow for external community groups with eligible uses to submit for funding.
		Water/Sewer Infrastructure	500,000	Wastewater Hannah's Creek upsize Phase 1a
		Contingency	293,026	
		Total	15,478,886	

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 2022-1794 / Planning Case Number: DA-2019-0803

Contact Person / Sponsor: Ashley Davis / Planning

Department: Attorney

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Application by Taylor Morrison to amend the Development Agreement for The Reserve at Barber Rock (portion of 0003-00-068.00), to reflect a decrease in acreage from 35.10 acres to 34.08 acres, with reference to transfer to adjacent owner.

Taylor Morrison/ Bonterra Builders, LLC has requested to amend Ordinance 2014-1274. This ordinance served as the original development agreement for the Preserve at Barber Rock (also known as the Reserve at Barber Rock). The original agreement included 35.10 acres this amendment proposes a removal of 1.017 acres to result in a new total acreage of 34.083.

Points to Consider:

The removal will not result in an adjustment of lots, removal of lots, or realignment of roads. The proposed 1.017 acres to be removed are located in a common open space area which is separated from the remainder of the property by a stream. The intent in removing this 1.017 acres is to sell the land to the adjacent property owner for their use at a later date. The Reserve at Barber Rock will continue to comply with open space requirements after the land transfer.

Taylor Morrison of Carolinas, Inc. acquired the development right from Bonterra Builders, LLC during the pendency of this application to amend the Development Agreement.

Updated 3rd reading versions of Ordinance 2022-1794 and Exhibit A to Ordinance 2022-1794, the First Amendment to the Development Agreement, are attached to the agenda materials. These proposed amended documents reflect the assignment of development rights under the Development Agreement.

A motion is requested to amend Ordinance 2022-1794 and Exhibit A to Ordinance 2022-1794 in the form of the proposed 3rd reading versions of those documents that are attached to the agenda package.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the proposed amendment.

Recommendation:

Planning Commission recommended **approval** by a vote of 6-0 at their December 2021 meeting.

Staff also recommends approval of this request.

There is also an associated Preliminary Plat amendment intended to effect the land transfer contemplated by the proposed Development Agreement amendment. Planning Commission issued a conditional approval for the associated Preliminary Plat amendment subject to County Council approval of this proposed Development Agreement amendment.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2022-1794	1/18/2022	Ordinance
Exhibit A to Ord 2022-1794 - First Amendment of Development Agreement	2/8/2022	Exhibit

Proposed 3rd reading version of Ordinance 2022-1794	2/18/2022	Ordinance
Exhibit A to Ord 2022-1794, proposed 3rd reading version	2/21/2022	Exhibit
Planning Staff Report	12/14/2021	Planning Staff Report
Exhibit 1: Application	12/14/2021	Exhibit
Exhibit 2: Zoning Map	12/14/2021	Exhibit
Exhibit 3: Proposed Plat	12/14/2021	Exhibit

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2022-1794

(

COUNTY OF LANCASTER

(

AN ORDINANCE

TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN BONTERRA BUILDERS, LLC AND LANCASTER COUNTY FOR THE RESERVE AT BARBER ROCK TO REMOVE APPROXIMATELY 1.017 ACRES OF REAL PROPERTY FROM THE DEVELOPMENT AGREEMENT AND TO AUTHORIZE EXECUTION AND DELIVERY OF THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH BONTERRA BUILDERS, LLC.

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

Section 1. Findings and Determinations; Purpose.

A. The Council finds and determines that:

- (a) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act"), and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663, codified as 9.2.18 in Chapter 9 of the Unified Development Ordinance (the "Ordinance"), to enter into development agreements with developers;
- (b) By passage of Ordinance 2014-1308, County Council approved a development agreement between Bonterra Builders, LLC ("Developer") and the County of Lancaster for the Reserve at Barber Rock Development, and that Development Agreement, dated November 12, 2014, is recorded in the records of the Lancaster County Register of Deeds in Deed Book 831, Pages 97-121 (the "Development Agreement");
- (c) Developer has requested that County Council approve amendments to portions of the Development Agreement to allow removal of 1.017 acres of real property, more or less, from the Development Agreement. Developer intends to convey the acreage to an adjacent property owner. The removal of the acreage will not result in adjustment of lots, removal of lots, or realignment of roads. The proposed acreage is located within common open space separated from the remainder of The Reserve at Barber Rock by a stream.

B. It is the purpose of this ordinance to approve an amendment to the Development Agreement relating to removal of 1.017 acres of real property, more or less, from the Development Agreement.

Section 2. Approval of First Amendment; Authorization to Act.

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver a First Amendment to the Development Agreement between Bonterra Builders, LLC and the County of Lancaster (the "First Amendment") in the name and on behalf of the County of Lancaster. The form of the First Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the First Amendment are incorporated herein by reference as if the First Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, the Council

approves the First Amendment and all of its terms, provisions and conditions. The First Amendment 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 same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the First Amendment attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effectuate the purpose of this ordinance and the First Amendment. The Council and its duly elected or appointed officers and any other County official are each authorized to take any and all action as may be necessary to effectuate the purposes of this ordinance and the First Amendment.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 24, 2022
Public Hearing: January 24, 2022
Second Reading: February 14, 2022
Third Reading: February 28, 2022

Approved as to form:

John DuBose, County Attorney

STATE OF SOUTH CAROLINA) FIRST AMENDMENT TO THE
) DEVELOPMENT AGREEMENT
COUNTY OF LANCASTER) RESERVE AT BARBER ROCK DEVELOPMENT

RECITALS

WHEREAS, amendment of the Development Agreement complies with sound land use planning principles and does not result in the removal of the acreage will not result in adjustment of lots, removal of lots, or realignment of roads. The proposed acreage is located within common open space separated from

the remainder of The Reserve at Barber Rock by a stream. Removal of the proposed acreage is not offensive to sound land use planning principles.

FIRST AMENDMENT

NOW THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this First Amendment, the receipt and sufficiency of such consideration being acknowledged by the parties, the parties to this First Amendment intending to be legally bound, agree as follows:

Section 1. The above recitals are incorporated in this First Amendment as if the recitals were set out in this First Amendment in their entirety.

Section 2. The definitions in Section 1.02 of the Development Agreement are amended by adding definitions for "First Amendment" and "Ordinance No. 2022-1794":

“(7)” ‘First Amendment’ means the First Amendment to the Development Agreement Reserve at Barber Rock development, dated _____, 2022, and approved by passage of Ordinance No. 2022-1794.

(12A) ‘Ordinance No. 2022-1794’ means Ordinance No. 2022- 1794 of the County approving the First Amendment.”

Section 3. Exhibit A to the Development Agreement is amended to reflect removal of the acreage and a new legal description of the Property is attached hereto and incorporated herein as Exhibits A, A-1, and A-2.

Section 4. Exhibit E of the Development Agreement, relating to Laws and Land Development Regulations, is amended to read:

“Exhibit E Laws and Land Development Regulations

1. Ordinance No. 2014-1274, zoning the Property R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay.
2. Ordinance No. 2015-1308, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO is filed in the County Planning Department.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.
7. Ordinance No. 2022-1794 approving the First Amendment to this Development Agreement."

Section 5. County agrees to record this First Amendment with the Lancaster County Register of Deeds within fourteen (14) days of the execution of this First Amendment.

Section 6. (A)(1) The County represents that it has approved this First Amendment by adoption of Ordinance No. 2022-1794 in accordance with the procedural requirements of the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended, Lancaster County Ordinance No. 663, the terms of the Development Agreement recorded in the records of the County Register of Deeds in Deed Book 831, Pages 97-121, and any other applicable law.

(2) The County represents that prior to the final reading of Ordinance No. 2022-1794 that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed amendment to the development agreement.

(B) Developer represents and warrants that the execution, delivery, and performance by the individual or entity signing this First Amendment on behalf of Developer has been duly authorized and approved by all requisite action on the part of Subsequent Developer.

Section 7. This First Amendment may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Section 8. This First Amendment is effective upon its execution.

IN WITNESS WHEREOF, Bonterra Builders, LLC, has caused this instrument to be executed by its duly authorized _____, all by order and authority duly granted by its corporate board of directors, as of the day and year first above written.

BONTERRA BUILDERS, LLC

A North Carolina limited liability corporation

Witness #1

By: _____

Its: _____

Witness #2

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is the _____ of Bonterra Builders, LLC, a North Carolina limited liability corporation, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said corporation.

Witness my hand and official stamp or seal, this ____ day of _____, 2022.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

COUNTY SIGNATURES FOLLOW ON THE NEXT PAGE.

IN WITNESS WHEREOF, the County of Lancaster, South Carolina, has caused this instrument to be executed by its duly authorized Chair and Secretary, as of the day and year first above written.

**COUNTY OF LANCASTER,
SOUTH CAROLINA**

Witness #1

By: _____
Steve Harper, Chair, County Council

Witness #2

Witness #1

By: _____
Billy Mosteller, Secretary, County Council

Witness #2

**STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER**

I, _____, a Notary Public of the County and State aforesaid, certify that Steve Harper personally appeared before me this day and acknowledged that he is Chair of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County and that Billy Mosteller personally appeared before me this day and acknowledged that he is Secretary of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

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Exhibit A
Amended Property Description Removing Acreage

This Amended Property Description consists of:

(1) The Original Property Description, which is Exhibit A to the Original Development Agreement dated November 12, 2014 and recorded in the County's Register of Deeds Office in Deed Book 831, Pages 97-121, a copy of which is also Exhibit A-1 hereto; but

(2) Less and except the parcel of land identified as 1.0173 acres on the attached Subdivision & Easement Plat, comprising the property hereby removed from the Reserve at Barber Rock Development Agreement, prepared by GPA Professional Land Surveyors of Charlotte, NC, Inc., dated February 1, 2022, a copy of which is Exhibit A-2 hereto.

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Exhibit A-1
Original Property Description

Tax Map Nos. 0003-00-063.01 and 0003-00-068.00:

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATED ALONG BARBERVILLE ROAD IN INDIAN LAND TOWNSHIP, LANCASTER COUNTY, SOUTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH CAROLINA GEODETIC SURVEY MONUMENT “KIMBRELL 160”, HAVING SOUTH CAROLINA GRID COORDINATES OF NORTH = 1,154,954.37 AND EAST = 2,023,059.98; THENCE N 52-34-59 W, 12,485.53 FEET (GROUND DISTANCE), TO A FOUND #4 REBAR, A COMMON CORNER OF JOSEPH BONETTI (DEED BOOK 757 PAGE 109), CARSON STEEN (DEED BOOK B005 PAGE 296) AND MYRTLE DOUGLAS (DEED BOOK C10 PAGE 18) AS RECORDED IN THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE N 19-00-38 W, 763.64 FEET TO A FOUND #4 REBAR ALONG THE LINE OF TERRY AND MELONEE GREEN (DEED BOOK 117 PAGE 288); THENCE N 47-04-03 E PASSING A FOUND #4 REBAR AT 200.64 FEET, A FOUND #2 REBAR AT 490.60 FOR A TOTAL DISTANCE OF 620.30 FEET TO A FOUND 1” PIPE, A COMMON CORNER WITH ROBERT BLACKWELL (DEED BOOK 346 PAGE 229) AND BETTIE PETTUS (DEED BOOK D6 PAGE 3933); THENCE S 41-07-52 E PASSING A FOUND #4 REBAR AT 220.95 FEET, A FOUND 1” PINCHED PIPE AT 412.26 FEET, A FOUND ¾” PIPE AT 487.44, A FOUND #4 REBAR AT 1,810.57, A TOTAL DISTANCE OF 1,840.69 TO A POINT AT OR NEAR THE CENTERLINE OF BARBERVILLE ROAD (SR S-29-42), SAID ROAD HAVING A 66’ PUBLIC RIGHT OF WAY (PLAT BOOK 2012 PAGE 578) THENCE WITH SAID ROAD ELEVEN (11) COURCES AND DISTANCES; (1) S 38-37-47 W 50.69 FEET TO A POINT; (2) S 34-21-36 W 49.56 FEET TO A POINT; (3) S 30-05-51 W 46.94 FEET TO A POINT; (4) S 25-06-15 W 50.74 FEET TO A POINT; (5) S 23-00-31 W 45.65 FEET TO A POINT; (6) S 22-47-58 W 47.60 FEET TO A POINT; (7) S 21-44-20 W 44.81 FEET TO A POINT; (8) S 22-03-23 W 49.66 FEET TO A POINT; (9) S 22-16-40 W 58.87 FEET TO A POINT; (10) S 21-23-29 W 195.03 FEET TO A POINT; (11) S 21-23-29 W 27.72 FEET TO A POINT; THENCE LEAVING SAID ROAD S 01-54-31 E 35.41 FEET TO A FOUND #4 REBAR WITH CAP ON THE SOUTH WEST SIDE OF ROAD; THENCE S 26-14-29 W 151.79 FEET TO A POINT IN SAID ROAD, A COMMON CORNER WITH CHURCH OF THE GREAT GOD (DEED BOOK 197 PAGE 202) AND BONTERRA BUILDERS, LLC (DEED BOOK 758 PG 194) THENCE WITH THE LINE OF THE CHURCH OF THE GREAT GOD TWO (2) COURCES AND DISTANCES; (1) N 47-20-34 W PASSING A FOUND #5 REBAR AT 33.00 FEET A TOTAL DISTANCE OF 325.00 FEET TO A FOUND #5 REBAR; (2) N 62-29-49 W 290.43 FEET TO A FOUND #5 REBAR A COMMON CORNER WITH JAMES AND ZELDA SHUTE (DEED BOOK C006 PAGE 4922); THENCE WITH THE LINE OF SHUTE N 32-40-49 E PASSING A FOUND #5 REBAR AT 195.33 FEET A TOTAL DISTANCE OF 354.70 FEET TO A FOUND #5 REBAR IN THE LINE OF MYRTLE DOUGLAS (DEED BOOK C10 PAGE 18); THENCE WITH THE LINE OF DOUGLAS N 64-37-29 W PASSING A FOUND #5 REBAR AT 89.35 FEET A TOTAL DISTANCE OF 847.14 FEET TO THE POINT OF BEGINNING CONTAINING 35.134 ACRES AS SHOWN ON SURVEY BY ESP ASSOCIATES, P.A. ENTITLED “BOUNDARY SURVEY OF TAX PARCELS 3-00-063.01 AND 3-00-068.00 BEING 35.134 ACRES TOTAL” DATED 01-22-2014. BEING THE SAME PROPERTY CONVEYED TO MYRTLE DOUGLAS IN DEED BOOK C10 PAGE 18 AND BONTERRA BUILDERS, LLC IN DEED BOOK 758 PAGE 194 AS RECORDED IN THE LANCASTER COUNTY REGISTER OF DEEDS.

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[Subdivision & Easement Plat Identifying 1.0173 Acres Removed from Development Agreement Attached]



STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2022-1794

(

COUNTY OF LANCASTER

(

AN ORDINANCE

TO APPROVE A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN BONTERRA BUILDERS, LLC AND LANCASTER COUNTY FOR THE RESERVE AT BARBER ROCK TO REMOVE APPROXIMATELY 1.017 ACRES OF REAL PROPERTY FROM THE DEVELOPMENT AGREEMENT AND TO AUTHORIZE EXECUTION AND DELIVERY OF THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH BONTERRA BUILDERS, LLC.

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

Section 1. Findings and Determinations; Purpose.

A. The Council finds and determines that:

- (a) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act"), and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663, codified as 9.2.18 in Chapter 9 of the Unified Development Ordinance (the "Ordinance"), to enter into development agreements with developers;
- (b) By passage of Ordinance 2014-1308, County Council approved a development agreement between Bonterra Builders, LLC ("Developer") and the County of Lancaster for the Reserve at Barber Rock Development, and that Development Agreement, dated November 12, 2014, is recorded in the records of the Lancaster County Register of Deeds in Deed Book 831, Pages 97-121 (the "Development Agreement");
- (c) Developer has transferred the development rights under the Development Agreement to Taylor Morrison of Carolinas, Inc. ("Taylor Morrison") and provided the required notice to Lancaster County of the transfer of development rights. The First Amendment of the Development Agreement will be in the name of Taylor Morrison as Subsequent Developer;
- (d) Developer and Subsequent Developer have requested that County Council approve amendments to portions of the Development Agreement to allow removal of 1.017 acres of real property, more or less, from the Development Agreement. Developer/Subsequent Developer intends to convey the acreage to an adjacent property owner. The removal of the acreage will not result in adjustment of lots, removal of lots, or realignment of roads. The proposed acreage is located within common open space separated from the remainder of The Reserve at Barber Rock by a stream.

B. It is the purpose of this ordinance to approve an amendment to the Development Agreement relating to removal of 1.017 acres of real property, more or less, from the Development Agreement.

Section 2. Approval of First Amendment; Authorization to Act.

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver a First Amendment to the Development Agreement between Bonterra Builders, LLC and the County of Lancaster (the "First Amendment") in the name and on behalf of the County of Lancaster. The form of the First Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the First Amendment are incorporated herein by reference as if the First Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, the Council approves the First Amendment and all of its terms, provisions and conditions. The First Amendment 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 same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the First Amendment attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effectuate the purpose of this ordinance and the First Amendment. The Council and its duly elected or appointed officers and any other County official are each authorized to take any and all action as may be necessary to effectuate the purposes of this ordinance and the First Amendment.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, orders and resolutions, 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.

Remainder of page intentionally blank

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: January 24, 2022
Public Hearing: January 24, 2022
Second Reading: February 14, 2022
Third Reading: February 28, 2022

Approved as to form:

John DuBose, County Attorney

STATE OF SOUTH CAROLINA) FIRST AMENDMENT TO THE
) DEVELOPMENT AGREEMENT
COUNTY OF LANCASTER) RESERVE AT BARBER ROCK DEVELOPMENT

RECITALS

WHEREAS, it is the purpose of this First Amendment to amend provisions of the Development Agreement relating to the removal of 1.017 acres of real property, more or less, from the Development Agreement for the Reserve at Barber Rock development with Subsequent Developer intending to convey

the aforesaid acreage; and

WHEREAS, amendment of the Development Agreement complies with sound land use planning principles and will not result in adjustment of lots, removal of lots, or realignment of roads. The proposed acreage is located within common open space separated from the remainder of The Reserve at Barber Rock by a stream. Removal of the proposed acreage is not offensive to sound land use planning principles.

FIRST AMENDMENT

NOW THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this First Amendment, the receipt and sufficiency of such consideration being acknowledged by the parties, the parties to this First Amendment intending to be legally bound, agree as follows:

Section 1. The above recitals are incorporated in this First Amendment as if the recitals were set out in this First Amendment in their entirety.

Section 2. The definitions in Section 1.02 of the Development Agreement are amended by adding definitions for "First Amendment" and "Ordinance No. 2022-1794":

“(7)” ‘First Amendment’ means the First Amendment to the Development Agreement Reserve at Barber Rock development, dated _____, 2022, and approved by passage of Ordinance No. 2022-1794.

(12A) ‘Ordinance No. 2022-1794’ means Ordinance No. 2022- 1794 of the County approving the First Amendment.”

Section 3. Exhibit A to the Development Agreement is amended to reflect removal of the acreage and a new legal description of the Property is attached hereto and incorporated herein as Exhibits A, A-1, and A-2.

Section 4. Exhibit E of the Development Agreement, relating to Laws and Land Development Regulations, is amended to read:

“Exhibit E Laws and Land Development Regulations

1. Ordinance No. 2014-1274, zoning the Property R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay.
2. Ordinance No. 2015-1308, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO is filed in the County Planning Department.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

7. Ordinance No. 2022-1794 approving the First Amendment to this Development Agreement."

Section 5. County agrees to record this First Amendment with the Lancaster County Register of Deeds within fourteen (14) days of the execution of this First Amendment.

Section 6. (A)(1) The County represents that it has approved this First Amendment by adoption of Ordinance No. 2022-1794 in accordance with the procedural requirements of the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended, Lancaster County Ordinance No. 663, the terms of the Development Agreement recorded in the records of the County Register of Deeds in Deed Book 831, Pages 97-121, and any other applicable law.

(2) The County represents that prior to the final reading of Ordinance No. 2022-1794 that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed amendment to the development agreement.

(B) Subsequent Developer represents and warrants that the execution, delivery, and performance by the individual or entity signing this First Amendment on behalf of Subsequent Developer has been duly authorized and approved by all requisite action on the part of Subsequent Developer.

Section 7. This First Amendment may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Section 8. This First Amendment is effective upon its execution.

IN WITNESS WHEREOF, Taylor Morrison of Carolinas, Inc. has caused this instrument to be executed by its duly authorized _____, all by order and authority duly granted by its corporate board of directors, as of the day and year first above written.

TAYLOR MORRISON OF CAROLINAS, INC.
A North Carolina corporation

Witness #1

By: _____
Its: _____

Witness #2

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is the _____ of Taylor Morrison of Carolinas, Inc, a North Carolina corporation, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said corporation.

Witness my hand and official stamp or seal, this ____ day of _____, 2022.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

COUNTY SIGNATURES FOLLOW ON THE NEXT PAGE.

IN WITNESS WHEREOF, the County of Lancaster, South Carolina, has caused this instrument to be executed by its duly authorized Chair and Secretary, as of the day and year first above written.

**COUNTY OF LANCASTER,
SOUTH CAROLINA**

Witness #1

By: _____
Steve Harper, Chair, County Council

Witness #2

Witness #1

By: _____
Billy Mosteller, Secretary, County Council

Witness #2

**STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER**

I, _____, a Notary Public of the County and State aforesaid, certify that Steve Harper personally appeared before me this day and acknowledged that he is Chair of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County and that Billy Mosteller personally appeared before me this day and acknowledged that he is Secretary of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County.

Witness my hand and official stamp or seal, this _____ day of _____, 2022.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

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Exhibit A
Amended Property Description Removing Acreage

This Amended Property Description consists of:

(1) The Original Property Description, which is Exhibit A to the Original Development Agreement dated November 12, 2014 and recorded in the County's Register of Deeds Office in Deed Book 831, Pages 97-121, a copy of which is also Exhibit A-1 hereto; but

(2) Less and except the parcel of land identified as 1.0173 acres on the attached Subdivision & Easement Plat, comprising the property hereby removed from the Reserve at Barber Rock Development Agreement, prepared by GPA Professional Land Surveyors of Charlotte, NC, Inc., dated February 10, 2022, a copy of which is Exhibit A-2 hereto.

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Exhibit A-1
Original Property Description

Tax Map Nos. 0003-00-063.01 and 0003-00-068.00:

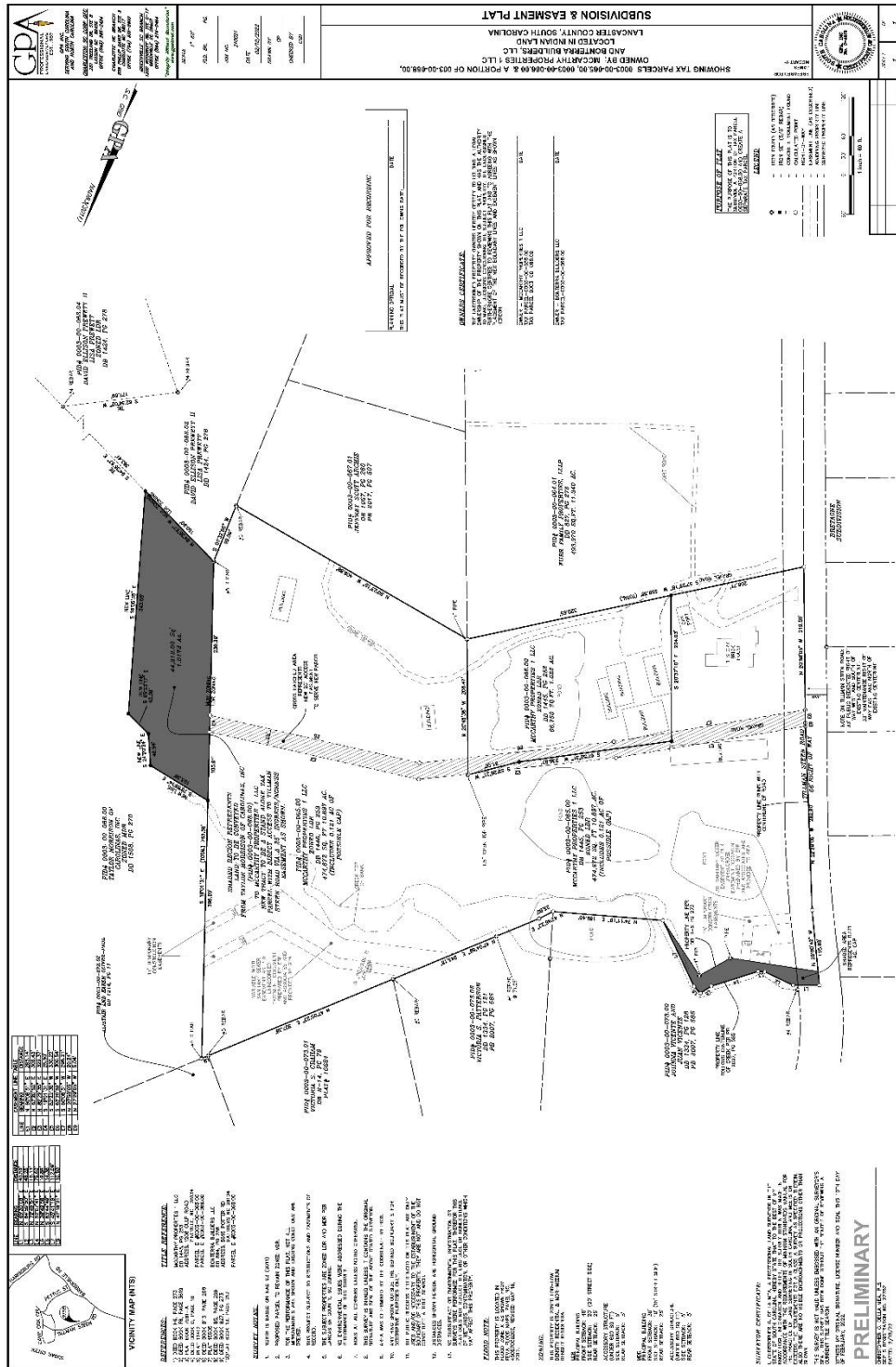
THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATED ALONG BARBERVILLE ROAD IN INDIAN LAND TOWNSHIP, LANCASTER COUNTY, SOUTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH CAROLINA GEODETIC SURVEY MONUMENT “KIMBRELL 160”, HAVING SOUTH CAROLINA GRID COORDINATES OF NORTH = 1,154,954.37 AND EAST = 2,023,059.98; THENCE N 52-34-59 W, 12,485.53 FEET (GROUND DISTANCE), TO A FOUND #4 REBAR, A COMMON CORNER OF JOSEPH BONETTI (DEED BOOK 757 PAGE 109), CARSON STEEN (DEED BOOK B005 PAGE 296) AND MYRTLE DOUGLAS (DEED BOOK C10 PAGE 18) AS RECORDED IN THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE N 19-00-38 W, 763.64 FEET TO A FOUND #4 REBAR ALONG THE LINE OF TERRY AND MELONEE GREEN (DEED BOOK 117 PAGE 288); THENCE N 47-04-03 E PASSING A FOUND #4 REBAR AT 200.64 FEET, A FOUND #2 REBAR AT 490.60 FOR A TOTAL DISTANCE OF 620.30 FEET TO A FOUND 1” PIPE, A COMMON CORNER WITH ROBERT BLACKWELL (DEED BOOK 346 PAGE 229) AND BETTIE PETTUS (DEED BOOK D6 PAGE 3933); THENCE S 41-07-52 E PASSING A FOUND #4 REBAR AT 220.95 FEET, A FOUND 1” PINCHED PIPE AT 412.26 FEET, A FOUND ¾” PIPE AT 487.44, A FOUND #4 REBAR AT 1,810.57, A TOTAL DISTANCE OF 1,840.69 TO A POINT AT OR NEAR THE CENTERLINE OF BARBERVILLE ROAD (SR S-29-42), SAID ROAD HAVING A 66’ PUBLIC RIGHT OF WAY (PLAT BOOK 2012 PAGE 578) THENCE WITH SAID ROAD ELEVEN (11) COURCES AND DISTANCES; (1) S 38-37-47 W 50.69 FEET TO A POINT; (2) S 34-21-36 W 49.56 FEET TO A POINT; (3) S 30-05-51 W 46.94 FEET TO A POINT; (4) S 25-06-15 W 50.74 FEET TO A POINT; (5) S 23-00-31 W 45.65 FEET TO A POINT; (6) S 22-47-58 W 47.60 FEET TO A POINT; (7) S 21-44-20 W 44.81 FEET TO A POINT; (8) S 22-03-23 W 49.66 FEET TO A POINT; (9) S 22-16-40 W 58.87 FEET TO A POINT; (10) S 21-23-29 W 195.03 FEET TO A POINT; (11) S 21-23-29 W 27.72 FEET TO A POINT; THENCE LEAVING SAID ROAD S 01-54-31 E 35.41 FEET TO A FOUND #4 REBAR WITH CAP ON THE SOUTH WEST SIDE OF ROAD; THENCE S 26-14-29 W 151.79 FEET TO A PONT IN SAID ROAD, A COMMON CORNER WITH CHURCH OF THE GREAT GOD (DEED BOOK 197 PAGE 202) AND BONTERRA BUILDERS, LLC (DEED BOOK 758 PG 194) THENCE WITH THE LINE OF THE CHURCH OF THE GREAT GOD TWO (2) COURCES AND DISTANCES; (1) N 47-20-34 W PASSING A FOUND #5 REBAR AT 33.00 FEET A TOTAL DISTANCE OF 325.00 FEET TO A FOUND #5 REBAR; (2) N 62-29-49 W 290.43 FEET TO A FOUND #5 REBAR A COMMON CORNER WITH JAMES AND ZELDA SHUTE (DEED BOOK C006 PAGE 4922); THENCE WITH THE LINE OF SHUTE N 32-40-49 E PASSING A FOUND #5 REBAR AT 195.33 FEET A TOTAL DISTANCE OF 354.70 FEET TO A FOUND #5 REBAR IN THE LINE OF MYRTLE DOUGLAS (DEED BOOK C10 PAGE 18); THENCE WITH THE LINE OF DOUGLAS N 64-37-29 W PASSING A FOUND #5 REBAR AT 89.35 FEET A TOTAL DISTANCE OF 847.14 FEET TO THE POINT OF BEGINNING CONTAINING 35.134 ACRES AS SHOWN ON SURVEY BY ESP ASSOCIATES, P.A. ENTITLED “BOUNDARY SURVEY OF TAX PARCELS 3-00-063.01 AND 3-00-068.00 BEING 35.134 ACRES TOTAL” DATED 01-22-2014. BEING THE SAME PROPERTY CONVEYED TO MYRTLE DOUGLAS IN DEED BOOK C10 PAGE 18 AND BONTERRA BUILDERS, LLC IN DEED BOOK 758 PAGE 194 AS RECORDED IN THE LANCASTER COUNTY REGISTER OF DEEDS.

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Exhibit A-2
Acreage Removed From the Original Property Description and
Removed from the Reserve at Barber Rock Development Agreement

[Subdivision & Easement Plat Identifying 1.0173 Acres Removed from Development Agreement Attached]



PROPOSAL: Application by Taylor Morrison/ Bonterra Builders, LLC to amend an approved a Development Agreement with Lancaster County to reduce the development from 35.10 acres to 34.083. This application is associated with the companion Preliminary Plat Amendment SD-2019-0803.

COUNCIL DISTRICT: District 7, Brian Carnes

Taylor Morrison/ Bonterra Builders, LLC has requested to amend Ordinance 2014-1274. This ordinance served as the original development agreement for the Preserve at Barber Rock (also known as the Reserve at Barber Rock). The original agreement included 35.10 acres this amendment proposes a removal of 1.017 acres to result in a new total acreage of 34.083.

The removal will not result in an adjustment of lots, removal of lots, or realignment of roads. The proposed 1.017 acres to be removed are located in a common open space area which is separated from the remainder of the property by a stream. The intent in removing this 1.017 acres is to sell the land to the adjacent property owner for their use at a later date.

August 18, 2021

Lancaster County Planning Commission
P.O. Box 1809
Lancaster, SC 29720

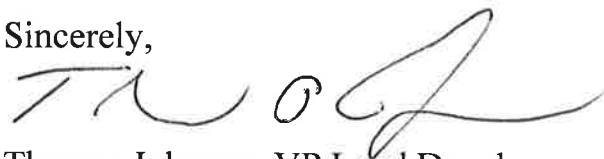
Re: Development Agreement Amendment Request for The Preserve at
Barber Rock
Lancaster County, South Carolina

Planning Commission Members,

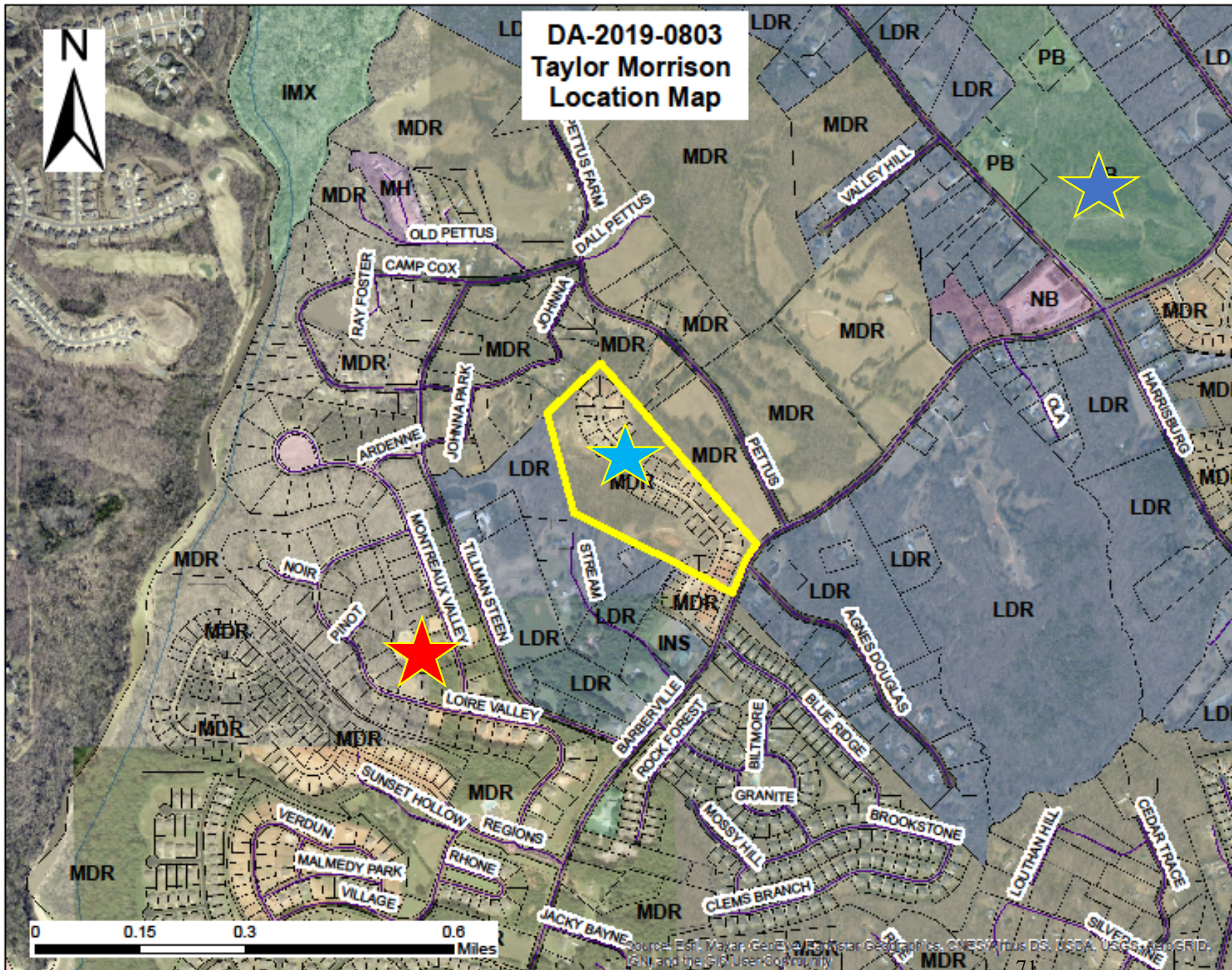
On behalf of Bonterra Builders, LLC, this letter has been prepared to request an amendment to the Major Development Agreement (Ord 2014-1274) for The Preserve at Barber Rock. This amendment is required to allow the recombination of 1.017 acres of common open space located on the west side of the development into parcel 00003-00-065.00, owned by McCarthy Properties, LLC, for the purpose of development of a single-family residential development current know as Tillman Steen Road Subdivision.

This recombination of land will not bring the Preserve at Barber Rock out of compliance with and land development code. After the proposed land swap, the common open space is reduced from 18.80 acres (53.5%) to 17.783 acres (52.12%). Additionally, the area to be recombined is essentially unusable by the residents of The Preserve due to the fact that it is cut off by the existing creek. Please see drawing titled Land Swap Exhibit for mor information.

Sincerely,



Thomas Johnson, VP Land Development
Bonterra Builders, LLC



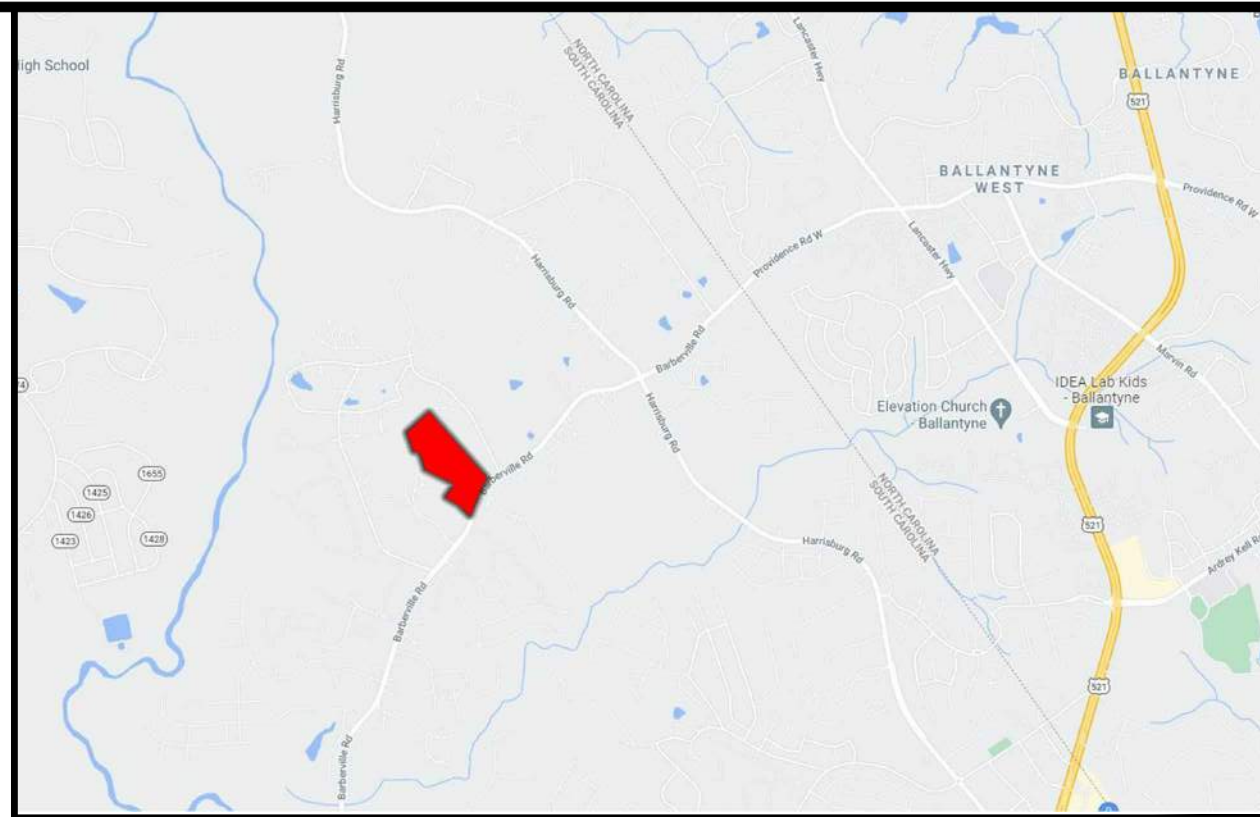
Proposal:
Request to amend an existing
development.

Legend:

-  Subject Property
-  Redwoods
-  Bretagne
-  Preserve at Barber Rock

THE PRESERVE AT BARBER ROCK

LOCATED IN LANCASTER COUNTY, SOUTH CAROLINA



VICINITY MAP
NOT TO SCALE

Development Data:

Tax Parcels: A portion of 0003-00-068.00
Site Area: 34.12 Acres
Location: Lancaster County, SC
Land Use: Vacant
Existing: Single-Family Detached Residential
Proposed: Single-Family Detached Residential
Zoning: R-15P CSOD (Ordinance #2014-1274)
(Cluster Subdivision Overlay District)

Total Lots: 52 Lots

61'x125' Lots: 18 Lots (34%)
71'x130' Lots: 17 Lots (33%)
81'x135' Lots: 17 Lots (33%)

Proposed Density: 1.52 DU/AC

Total Open Space Proposed: +/- 13.74 Acres

Primary Conservation Areas: +/- 3.83 Acres

Total Open Space Proposed = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas.
TO = ((TP-PC)OSP)+PC
TO = Total Open Space Proposed (Acres)
TP = Total Parcel (Acres)
PC = Primary Conservation Area (Acres)
OSP = Open Space Percentage (% of Site Acreage excluding PC)
TO = ((34.12 - 3.83) .25) + 3.83
TO = 11.40 Acres of Total Open Space Required

Note: The Preserve at Barber Rock CSOD shall include provisions for the protection of trees and other natural amenities within the areas designated for open space in accordance with Section 6F9 of the Lancaster County CSOD Ordinance.

Proposed Fire Hydrants: 4 Hydrants

Connectivity Index (Links/Nodes):
Required: 1.0*
Provided: 1.4 (7 Links / 5 Nodes)
* Refer to Development Agreement, Ordinance No. 2014-1308, Article III, Section 3.01A

R-15P CSOD Lot Standards:

Minimum Lot Width: 50'

Minimum Lot Area: 5,000 sf

Smallest Lot Provided: 7,625.00 sf

Minimum Setbacks:
Front: 20'
Side: 5'
Rear: 30'
* If side yards are five feet (5') then the following conditions must be met:
- Dwelling units must have fire resistant siding as approved by the Lancaster County Building Official
- Vented soffits must be avoided for dwellings less than 10' from an adjacent dwelling unit or structure.
- Windows of dwelling units must be offset from windows of adjacent units.
** Where a lot fronts on any corner, front-yard setbacks shall be in accordance with Lancaster County UDO Section 5.4.4b.

Boundary Information
Boundary information obtained from survey by ESP Associates, Inc. entitled "Boundary Survey of Tax Parcels 3-00-063.01 and 3-00-068.00 Being 35.134 Acres Total" dated 1/22/2014.

Topographic Information
Topographic information obtained from survey by ESP Associates, Inc. entitled "Topographic Survey of Parcels 3-00-063.01 and 3-00-068.00 Being 35.135 Acres Total" dated 1/22/2014.

Stream and Wetland Information
Stream and wetland information obtained from preliminary survey by ESP Associates, Inc. entitled "Wetland Survey of Tax Parcels 3-00-063.01 and 3-00-068.00" dated 4/13/2014.

Road Improvement
Road improvements are subject to available right of way and coordination with SCDOT during driveway permitting process.

Off Site Utility Improvements
Final alignment of all off site utility improvements to be determined during design phase in coordination with LCWSD.

Total Open Space Proposed
Total Open Space Proposed includes property buffers, pocket parks, natural areas, and water quality areas as well as Primary Conservation Areas.

Road Names & Lengths:

Chalet Lane +/- 747.9 LF
Garden Gate Drive +/- 2,142.8 LF
Juneberry Place +/- 215.0 LF
Total Length of Proposed Roads: +/- 3,105.7 LF

Notes:

- Preliminary Plan is subject to minor revisions during the design process as may be required.
- See Sheets 1-3 for detailed lot dimensions.
- Applicant to provide and install road signs for this subdivision.
- Applicant to install a central mail kiosk for this community. Location shown on Preliminary Plan is conceptual and subject to final approval from USPS. Location and number of kiosks is subject to change.
- All roads within The Preserve at Barber Rock CSOD are to be privately maintained and have a minimum pavement width of 22' as per Lancaster County Ordinance No. 2014-1285.
- Developer agrees to grant easement over private street road ROW after construction to LCWSD for access to water and sewer infrastructure.
- Although streets will be private, water, sewer, and hydrants will be public and maintained by LCWSD.
- Proposed locations of water and sewer lines shown on Preliminary Plan are preliminary and have not been designed. Design and details of water and sewer systems shall be provided during construction document phase.
- Location and size of Potential Stormwater Management Areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will be determined during construction document phase.
- Signage and monumentation details, including sizing and locations, will be determined upon the submittal of Construction Documents. Monumentation and signage to be permitted separately. Monumentation to be installed outside of sight triangles & sight distance lines.
- Street signs to be consistent with SCDOT details or approved equivalent. Decorative street signs may be installed as long as they meet or exceed the minimum specifications established by SCDOT.
- Construction plans for water, storm and sewer systems to be provided during construction document phase.
- Road grading and profile is to be determined during the construction document phase.
- Site grading, cut, and fill to be determined during the construction document phase.
- Detailed landscape planning plans, outlining landscaping and buffer plantings, to be provided during the construction document phase.
- Site distance plan and profile to be provided during construction documentation phase as requested by SCDOT.
- Fire hydrants to be spaced and installed to ensure that each phase of construction of development has adequate hydrant protection. Phasing to be determined at construction documentation phase, hydrant locations to be adjusted to provide coverage based on phasing.
- Proposed sewer easements shall have no steeper than 4:1 slope as requested by LCWSD.
- As requested by LCWSD, proposed pump station to be graded to ensure proper drainage.
- Based on meeting with Lancaster County on 1/29/15 applicant agrees to install street trees outside of 3' planting strip behind sidewalk. Street trees to be located 3-4' behind back of sidewalk either in the front yard of each lot, side yard of each lot or in a common open space area. Exact locations to be determined at construction documents to avoid conflicts with utilities and driveways.
- Applicant agrees to provide an increased curb radius located at the entrance from Barberville Road (in lieu of deceleration lane). Exact curb radius size to be provided as specified by SCDOT. Size to be coordinated during construction document phase.

ENGINEERING FIRM:

ESP ASSOCIATES, INC.
3475 LAKEMONT BLVD.
FORT MILL, SC 29708
(803) 802-2440
(803) 802-2515
MATTHEW W. MANDLE, P.L.A.

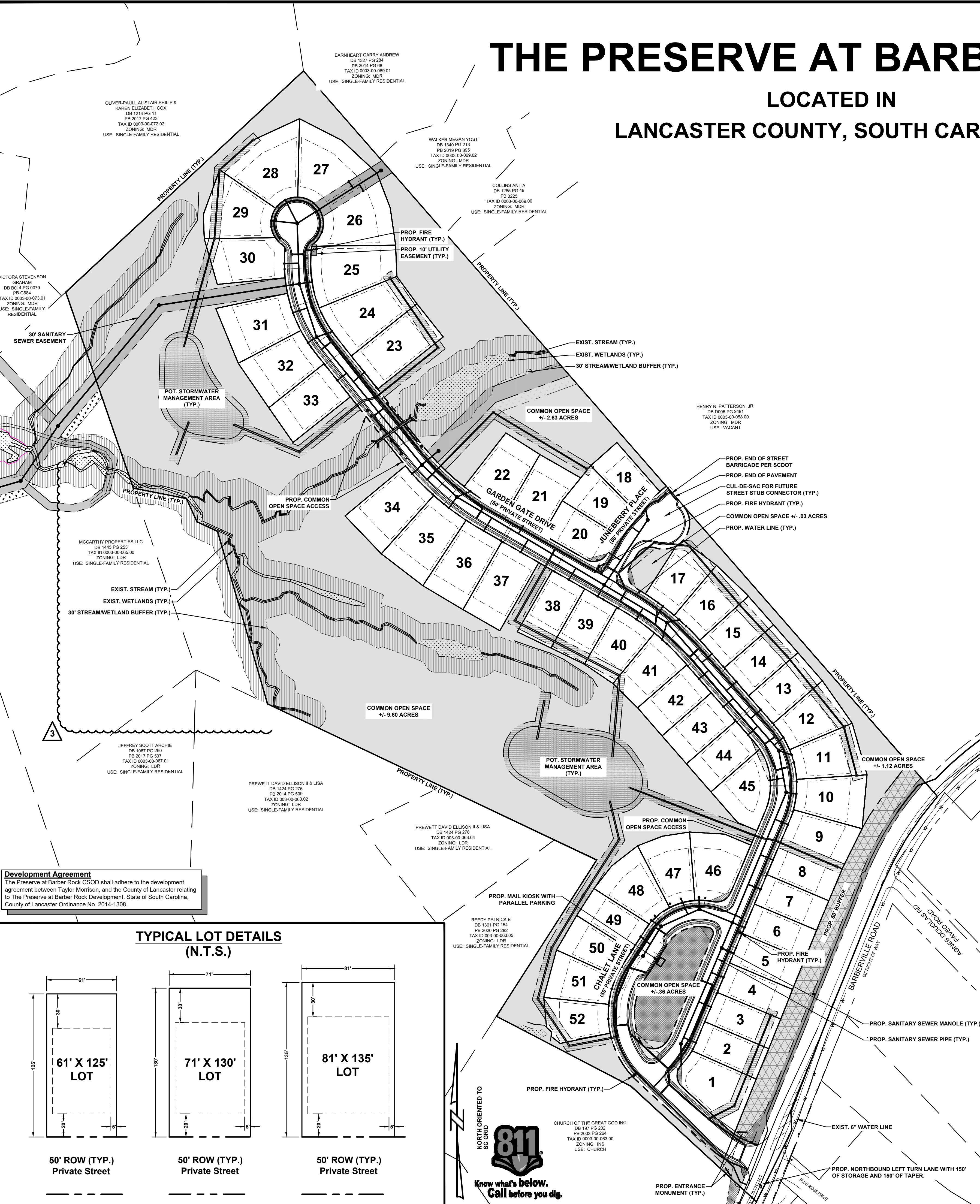
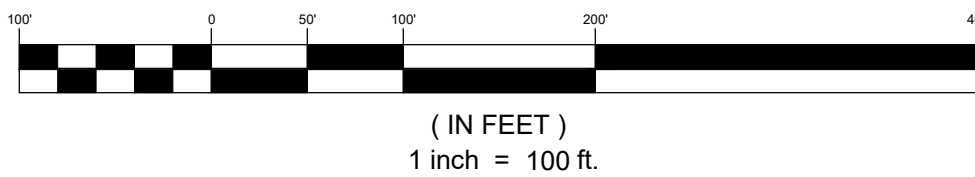
DEVELOPER:

TAYLOR MORRISON
11405 NORTH COMMUNITY HOUSE ROAD, SUITE 150
CHARLOTTE, NC, 28277
(704) 251-8137
MR. THOMAS JOHNSON

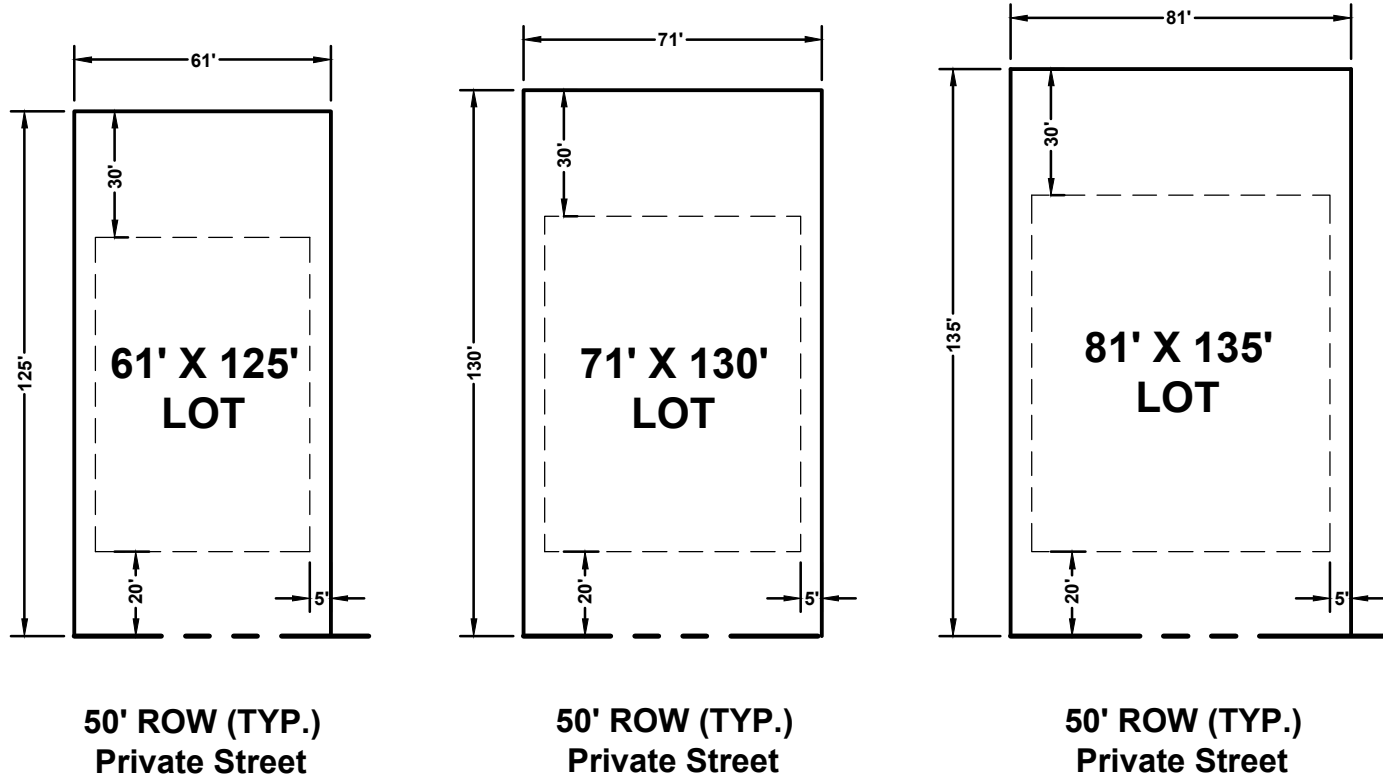
REVIEW AGENCY:

LANCASTER COUNTY
101 NORTH MAIN STREET
LANCASTER, SC, 29720
(803) 285-6005

GRAPHIC SCALE



TYPICAL LOT DETAILS (N.T.S.)



Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1795 / Planning Case Number: UDO-TA-2021-2981

Contact Person / Sponsor: Robert Tefft / Planning

Department: Planning

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Application by Lancaster County to amend Unified Development Ordinance Section 7.2.4, Off-Street Parking and Loading Requirements, to modify minimum required parking spaces.

Points to Consider:

The Planning Department has noticed in its review of various recent development proposals that the minimum amount of off-street parking that would be required for certain uses appeared to be inadequate to support the demand those uses would realistically have, which would in turn result in parking spill over onto adjacent properties.

This amendment would increase the amount of off-street parking required to be provided for future Personal Services (i.e. hair salons, nail salons), Professional Services limited to medical services (i.e. doctor/dental offices), General Commercial (i.e. retail sales), and Hospital development and expansions, but would not impact or otherwise require any existing such uses to provide additional parking.

Additionally, the minimum off-street parking requirement for Places of Assembly will also be modified to no longer differentiate between the use being within a residential zoning district or not, and all Places of Assembly will be calculated at the current rate of 1 per 80 square feet in the main assembly hall.

It should be noted that the minimum off-street parking requirements proposed in this text amendment were determined based upon research and analysis of various minimum off-street parking requirements for similar uses in surrounding jurisdictions, as well as others in located in both North Carolina and South Carolina.

Funding and Liability Factors:

N/A

Council Options:

To approve or disapprove the proposed text amendment.

Recommendation:

The Planning Commission voted 5-1 to recommend **approval** of the text amendment to County Council. The objecting vote was not specific to any content of the proposed amendment, but rather to having any amendment to the UDO during such time that the County's consultants are updating the UDO. The UDO consultants will likely be making updates to the parking section of the UDO in the summer/fall of 2022.

No one from the public spoke in favor or in opposition to the proposed text amendment.

Staff recommends approval of the text amendment.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Ordinance 2022-1795	2/7/2022	Ordinance
Exhibit 1 for Ordinance 2022-1795	2/7/2022	Exhibit
Staff Report	1/11/2022	Planning Staff Report
Ex 1: Application	12/30/2021	Exhibit
Ex 2: Text Amendment	1/4/2022	Exhibit
Ex 3: Research From Surrounding Jurisdictions	2/15/2022	Exhibit

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2022-1795

COUNTY OF LANCASTER

)

)

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.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Lancaster County made application to amend Chapter 7 of the Unified Development Ordinance (UDO) to increase or establish certain off-street parking requirements.
- (b) The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Section 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.
- (c) The proposed text amendment will assure that future development projects have adequate off-street parking.
- (d) Lancaster County Planning Commission considered the proposed text amendment at its meeting on January 20, 2022, and by a 5-1 vote recommended approval of the text amendment.

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

Ordinance 2016-1442 (Unified Development Ordinance) Section 7.2.4., Off-Street Parking and Loading Requirements, is amended as set forth in “Exhibit 1” attached hereto and incorporated herein by reference.

The amendments are generally described as follows:

- a) Section 7.2.4.A, Parking Requirements by Use Table:

The text amendment establishes a minimum off-street parking requirement for Personal Services use at 1 per 350 sf, Professional Services (Medical Services) use at 1 per 250 sf, Professional Services (all other) use at 1 per 500 sf, General Commercial use at 1 per 250 sf, Hospital use at 1 per bed, plus 1 per 300 sf of administrative floor space

The use table is also amended so that it no longer differentiates the parking rate for Places of Assembly on the basis of whether that use is located in a residential zoning district versus a non-residential zoning district. All Places of Assembly will be calculated at a rate of 1 per 80 sf in the main assembly hall.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2022.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

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

Approved as to form:

John DuBose, County Attorney

Exhibit 1 - Ordinance 2022-1795

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator, and any documentation of parking demand generation for the particular use.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling - Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling - Multifamily & Townhome	1.5 per unit
Dwelling - Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Medical Clinic	1 per 350 sf
<u>Personal Services</u>	<u>1 per 350 sf</u>
<u>Professional Services (Medical Services)</u>	<u>1 per 250 sf</u>
<u>Professional Services (All other)</u>	<u>1 per 500 sf</u>
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
Amusements (Indoor & Outdoor)	No requirement
Bar/Tavern/Brewpub	1 per 50 sf of indoor seating area
	1 per 400 sf of brewing area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
<u>General Commercial</u>	<u>1 per 250 sf</u>
Restaurant	1 per 75 sf of indoor seating area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
Places of Assembly (Residential Districts)	No requirement
Places of Assembly (All Other Districts)	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	

Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
<u>Hospital</u>	<u>1 per bed, plus 1 per 300 sf of administrative floor area</u>
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

PROPOSAL: Amend Unified Development Ordinance Section 7.2.4, Off-Street Parking and Loading Requirements, to modify minimum required parking spaces.

APPLICABLE CHAPTER(S): Chapter 7

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:

The Planning Department has noticed in its review of various recent development proposals that the minimum amount of off-street parking that would be required for certain uses appeared to be inadequate to support the demand those uses would realistically have, which would in turn result in parking spill over onto adjacent properties. Accordingly, Lancaster County is proposing to amend Chapter 7 of the Unified Development Ordinance (UDO) address these deficiencies.

OUTLINE OF TEXT AMENDMENT:

The following sections of the UDO are proposed to be amended:

Section 7.2.4.A, Parking Requirements by Use Table:

The proposed text amendment would establish specific minimum off-street parking requirements for the following uses:

Use Category	Minimum Required Auto Spaces
Personal Services	1 per 350 sf
Professional Services (Medical Services)	1 per 250 sf
Professional Services (All other)	1 per 500 sf
General Commercial	1 per 250 sf
Hospital	1 per bed, plus 1 per 300 sf of administrative floor area

Additionally, the minimum off-street parking requirement for Places of Assembly will also be modified to no longer differentiate between the use being within a residential zoning district or not, and all Places of Assembly will be calculated at the current rate of 1 per 80 square feet in the main assembly hall.

It should be noted that the minimum off-street parking requirements proposed in this text amendment were determined based upon research and analysis of various minimum off-street parking requirements for similar uses in surrounding jurisdictions, as well as others in located in both North Carolina and South Carolina. This research is provided as an attachment to this staff report.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font

and deletions are referenced in ~~striketrough~~ font. The proposed language is found in Attachment 2.

FINDINGS AND CONCLUSIONS:

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

This amendment would increase the amount of off-street parking required to be provided for future Personal Services (i.e. hair salons, nail salons), Professional Services limited to medical services (i.e. doctor/dental offices), General Commercial (i.e. retail sales), and Hospital development and expansions, but would not impact or otherwise require any existing such uses to provide additional parking.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

1. Application
2. Proposed Text Amendment
3. Research from Surrounding Jurisdictions

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net



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

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

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

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended Section 7.2.4, Off-Street Parking and Loading Requirements

Current Text See Attached

Proposed Text See Attached

Description of Need for Proposed Text Current minimum parking rates are not consistent with industry standards.

☐ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Lancaster County

Address 101 N. Main Street

City Lancaster State SC Zip 29720 Phone 803-285-6005

Fax N/A Email planning@lanastersc.net

APPLICATION CERTIFICATIONS

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

Dennis S. Martell
Applicant

12/29/21
Date

Property Owner(s)

Date

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

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

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

3. County Council

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

7.2.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. PARKING REQUIREMENTS BY USE TABLE

The following table details the required minimum and maximum (where applicable) parking ratios by major land use. All area calculations use gross leasable area (GLA). For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the Administrator, and any documentation of parking demand generation for the particular use.

Use Category	Minimum Required Auto Spaces
Residential	
Dwelling - Single Family & Two Family	1 per unit
Dwelling – Three Family & Four Family	1.5 per unit
Dwelling - Multifamily & Townhome	1.5 per unit
Dwelling - Accessory	1 space per unit
Live-Work Units	1 per 500 sf
Residential Care Facilities	1 per 2 units
All Other Residential Uses	1 per unit
Lodging – All Uses	1 per room
Office/Service	
Medical Clinic	1 per 350 sf
<u>Personal Services</u>	<u>1 per 350 sf</u>
<u>Professional Services (Medical Services)</u>	<u>1 per 250 sf</u>
<u>Professional Services (All other)</u>	<u>1 per 500 sf</u>
All Other Office/Service Uses	1 per 500 sf
Commercial/Entertainment	
Amusements (Indoor & Outdoor)	No requirement
Bar/Tavern/Brewpub	1 per 50 sf of indoor seating area
	1 per 400 sf of brewing area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
<u>General Commercial</u>	<u>1 per 250 sf</u>
Restaurant	1 per 75 sf of indoor seating area
	1 per 3 occupants of outdoor seating area, dance floor, standing room only food/beverage areas, etc. (per occupant load)
Theater (Indoor & Outdoor)	1 per 80 sf in auditorium
All Other Commercial/Entertainment Uses	1 per 400 sf
Civic	
Places of Assembly (Residential Districts)	No requirement
Places of Assembly (All Other Districts)	1 per 80 sf in main assembly hall
Private Recreational Facility	1 per 250 sf
All Other Civic Uses	1 per 500 sf
Educational/Institutional	

Child/Adult Day Care Centers (6 or more persons)	1 per 500 sf
<u>Hospital</u>	<u>1 per bed, plus 1 per 300 sf of administrative floor area</u>
All Other Educational/Institutional Uses	1 per 1000 sf
Automotive	
Vehicle Services – Minor Maintenance/Repair	1 per gas pump and repair bay
Vehicle Services – Major Repair/Body Work	2 per repair bay
All Other Automotive Uses	1 per 400 sf of office space
Industrial/Wholesale/Storage – All Uses	No requirement
Agricultural – All Uses	No requirement
Infrastructure – All Uses	No requirement

	RETAIL SALES OR SERVICES		PERSONAL SERVICES		PLACES OF ASSEMBLY		HOSPITAL			MEDICAL SERVICES	
	<i>Minimum</i>	<i>Equalized SF @ 1 per</i>	<i>Minimum</i>	<i>Equalized SF @ 1 per</i>	<i>Minimum</i>	<i>Equalized @ per seat</i>	<i>Minimum</i>	<i>Equalized @ per bed</i>	<i>Equalized SF @ 1 per</i>	<i>Minimum</i>	<i>Equalized SF @ 1 per</i>
Lancaster County, SC	1 per 400 sf	400	1 per 500 sf	500	1 per 80 sf	0.19	1 per 1,000 sf		1000	1 per 350 sf	350
Cabarrus County, NC	1 per 300 sf	300	1 per 300 sf	300	1 per 8 seats	0.13	1 per 300 sf		300	1 per 1,000 sf	1000
Charleston, SC (peninsula)	1 per 400 sf	400	1 per 400 sf	400	1 per 4 seats	0.25	1 per 2 beds	0.5		1 per emp, plus 1.5 per op room	
Charleston, SC (all other)	1 per 200 sf	200	1 per 200 sf	200							
	1 per 500 sf	500	1 per 500 sf	500			Cumulative based upon uses within Medical Campus			1 per 500 sf	500
Charlotte, NC	1 per 750 sf	750	1 per 750 sf	750	1 per 4 seats	0.25				1 per 750 sf	750
Columbia, SC	See Sheet 2	402.01	See Sheet 2	396	1 per 5 seats	0.2	1 per 300 sf		300	5 per 1,000 sf	200
Concord, NC	1 per 300 sf	300	See Sheet 2	350	1 per 8 seats	0.13	1 per 400 sf		400	1 per 300 sf	300
Fort Mill, SC	See Sheet 2	313.73	N/A		0.6 per seat	0.6	N/A			4.5 per 1,000 sf	222
Greenville, SC	1 per 500 sf	500	1 per 500 sf	500	1 per 6 seats	0.16	1 per 400 sf		400	1 per 600 sf	600
Greenville County, SC	3 per 1,000 sf	333	N/A		1 per 4 seats	0.25	1 per bed	1		3 per exam rm	
Indian Trail, NC	4 per 1,000 sf	250	4 per 1,000 sf	250	1 per 4 seats	0.25	2 per bed	2		4 per 1,000 sf	250
Kershaw County, SC	1 per 350 sf	350	1 per 350 sf	350	1 per 4 seats	0.25	1 per bed	1		1 per 200 sf	200
Matthews, NC	1 per 200 sf	200	1 per 300 sf	300	1 per 4 seats	0.25	1 per bed	1		1 per 200 sf	200
Matthews, NC (HUC, SRN, C-MF, MUD, TS, and ENT)	1 per 400 sf	400	1 per 400 sf	400	N/A		N/A			1 per 300 sf	300
Mecklenburg County, NC	1 per 250 sf	250	1 per 250 sf	250	1 per 4 seats	0.25	1.2 per bed	1.2		1 per 200 sf	200
Mount Pleasant, SC	1 per 300 sf	300	1 per 300 sf	300	3 per 100 sf	0.45	1 per room			1 per 300 sf	300
Richland County, SC	1 per 250 sf	250	N/A		1 per 4 seats	0.25	1 per 4 beds	0.25		1 per 375 sf	375
Rock Hill, SC	1 per 250 sf	250	1 per 200 sf	200	1 per 3 seats, or 1 per 50 sf	0.33	2 per bed, plus 1 per 300 sf	2	300	1 per 250 sf	250
Union County, NC	1 per 400 sf	400	1 per 400 sf	400	1 per 4 seats, plus 1 per 200 sf non- assembly	0.25	1 per bed, plus 1 per 300 sf	1	300	1 per 300 sf	300
York County, SC	Grocery/Conv: 1/150 sf All other: 1/250 sf	150 250	1 per 250 sf	250	1 per 4 seats	0.25	1 per bed, plus 1 per 300 sf	1	300	1 per 300 sf	300
Average All Researched		336		359		0.26		1.10	329		367
Average Unique Values		359		393		0.30		0.94	350		466
Median All Researched		300		350		0.25		1.00	300		300
Median Unique Values		333		350		0.25		0.75	350		375

	Personal Services Uses			Retail Sales Uses		
		Minimum per 1,000 sf	Minimum @ 1 per		Minimum per 1,000 sf	Minimum @ 1 per
Columbia, SC	Bank, Retail	3		Building Supplies and Equipment Store	1.7	
	Beauty Salon or Barbershop	2.5		Consumer Goods Establishment	3	
	Body Piercing Facilities or Tattoo Establishment	2.5		Convenience Store	3	
	Dry Cleaning Pick-Up	1.7		Farmers' Market	1	
	Laundry, Coin-Operated	2.5		Fuel Sales (bulk)	1.7	
	Nail Salon	2.5		Grocery Store	3	
	Non-Depository Personal Credit Institution	3		Liquor Store	3.5	
	Repair of Personal Goods	2.5		Pawn Shop	3	
	AVERAGE	2.53	396.04	AVERAGE	2.49	402.01
Fort Mill, SC				General Retail (not in shopping center)	3.5	
				Grocery (freestanding)	5	
				Shopping Centers	4	
				Convenience Store	0.25	
	AVERAGE			AVERAGE	3.19	313.73
Concord, NC	Personal Services (Dry Cleaners, etc.)		500			
	Personal Care Services (Hair, Skin, etc.)		200			
	AVERAGE		350.00			

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2022-1796

Contact Person / Sponsor: Dennis Marstall / Administration

Department: Administration

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Establish a Proviso 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.

Funding and Liability Factors:

County Administration has identified \$10.1 million for use with excess funds, including:

- 21 new County road projects or projects from the Capital Projects Sales Tax Three list totaling \$7,687,000
- USC Lancaster -- Hwy 9 pedestrian Connections totaling \$1 million
- Lindsay Pettus Greenway, Phase 2 totaling \$1.5 million

This would leave \$13.3 million remaining in excess funds that would be directed towards the Detention Center, which is the first priority project in Capital Projects Sales Tax Three.

County Administration is anticipating a funding request from the County Libraries to complete access and security upgrades as part of the Libraries projects identified in the Capital Projects Sales Tax Two.

Council Options:

Establish a Proviso Ordinance outlining that excess funds will be directed towards Libraries access and security upgrades, 21 new 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.

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 2 to Ordinance 2022-1796 - CPST excess funds road proviso	2/23/2022	Exhibit

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 2 -- Use of Capital Projects Sales Tax Two Excess Funds

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		

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

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: Administration

Date Requested to be on Agenda: 2/28/2022

Issue for Consideration:

Whether to appoint Lorrie Ayers to the Van Wyck Fire Protection District Fee Board. If appointed, she would be filling her first term that would expire on 06/30/2025.

Whether to appoint David Basri to the Van Wyck Fire Protection District Fee Board. If appointed, he would be filling his first term that would expire on 06/30/2025.

Whether to appoint Sheena Hinson to the Van Wyck Fire Protection District Fee Board. If appointed, she would be filling her first term that would expire on 06/30/2023.

Whether to appoint Monty King to the Van Wyck Fire Protection District Fee Board. If appointed, he would be filling his first term that would expire on 06/30/2023.

James Massey will serve on the Fee Board as the designee of the Van Wyck Fire Department (according to Ordinance 2021-1770, either the Fire Chief or the designee of the Van Wyck Fire Department serves ex-officio and as a full voting member).

Points to Consider:

Ordinance 2021-1770 outlines the Administration of the District in Section 6.(A)(1):..."The purpose of the commission is to operate the District. The commission consists of five members. Four of the five members shall be appointed by Council and these four members must reside within the District. The Fire Chief for the Van Wyck Fire Department, or the designee of the Van Wyck Fire Department, shall serve ex-officio and as a full voting member. The term of office for commission members is four years. Two of the four initial appointments, determined by Council by lot, shall have a term that ends on June 30, 2023 and the other two shall have a term that ends on June 30, 2025." The ordinance also states that the "Members of the commission serve at the pleasure of County Council."

Lorrie Ayers', David Basri's, Sheena Hinson's, Monty King's applications are attached for Council's review and consideration.

James Massey's information is also attached for your information.

Funding and Liability Factors:

N/A

Council Options:

Approve or deny the appointments.

Recommendation:

Approve the appointments.

ATTACHMENTS:

Description	Upload Date	Type
Application from Lorrie Ayers	2/15/2022	Backup Material

Application from David Basri	2/15/2022	Backup Material
Application from Sheena Hinson	2/15/2022	Backup Material
Application from Monty King	2/15/2022	Backup Material
Application from James Massey	2/15/2022	Backup Material

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

Name Lorrie Ayers County Council District Lancaster

Mailing Address _____ City/Zip Lancaster 29720

Street Address _____ Registered Voter yes ☒ no ☐

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

Email: lorrieayers1109@gmail.com

Occupation Mortgage Analyst Place of employment Founders Federal CU

Address 773 Plantation Rd Lancaster, SC 29720 Normal working hours 8-5
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Van Wyck Fire Protection Fee Board 2nd choice _____

3rd choice _____

Reason for interest

I want to serve the community of Van Wyck. I have lived here for 23 years and have been fortunate to be protected by the Fire Department and now I have an opportunity to give back.

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

I have been in banking and finance for over 30 years. I am familiar with budgets, budgets, staffing and dealing with the public. I have an education in finance from Central Piedmont Community College. I am a member of the Indian Land Rotary Lunch Club. I serve on the USC-Lancaster Corporate Advisory Board and on the Van Wyck Town Outreach Team. I love the community in which I live and want to help give back to those around me.

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

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

Additional pertinent information

Applicant's signature  Date _____
eSigned via SeamlessDocs.com
Key: 346d8b47385d0a97ae264bd1c81dd9e1

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

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

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

Name David Basri County Council District 1

Mailing Address _____ City/Zip Lancaster, 29720

Street Address _____ Registered Voter yes ☒ no ☐

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

Email: david.basri@gmail.com

Occupation Business Owner Place of employment Point Enterprises, Inc.

Address 331 E. Main St. Rock Hill, SC 29730 Normal working hours 8 - 5
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Van Wyck VFD 2nd choice _____

3rd choice _____

Reason for interest

Was asked to serve

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

Previous experience on American Red Cross chapter boards as finance chair. 2 1/2 years as a fireman when younger.

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

Have you ever served on a county board? No If yes, list _____

Additional pertinent information

Applicant's signature David A. Basri

Date _____

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

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

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Sheena Hinson County Council District Van Wyck

Mailing Address _____ City/Zip Lancaster, SC 29720

Street Address _____ Registered Voter ^{YES} yes _____ no _____

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

Email: Sheena@uplevelpracticesolutions.com

Occupation RDH & National Practice Place of employment Ballantyne Dentistry & Uplevel Practice

Address 15105 John J Delaney, Charlotte, NC 28277 Normal working hours 6:20am-5pm
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Van Wyck Fire Protection Fee Board 2nd choice _____

3rd choice _____

Reason for interest

To serve my town.

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

I feel that I can use my business and leadership skills to guide the success of this board by making well thought out, wise, and unbiased decisions. These decisions will be based on facts and not emotion. I am passionate about good communication and transparency. I will serve whole heartedly and maintain as much accountability as possible throughout my service to the board.

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

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

Additional pertinent information

Applicant's signature

eSigned via SeamlessDocs.com
Sheena Lynn Hinson
Key: 349d8b47d8c30e97ae284bd1c91dd95f

Date _____

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

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

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Monty King County Council District _____

Mailing Address _____ City/Zip 29720

Street Address _____ Registered Voter yes ☒ no ☐

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

Email: monty.king@nationalondemand.com

Occupation Director Of Operations Place of employment National OnDemand, Inc

Address 245 W. Davis St. Normal working hours M-F 8 to 5
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Van Wyck Fire Protection Board 2nd choice Open

3rd choice Open

Reason for interest

I have a desire to serve and give back to the community I live. Prior EMTA in Indiana drives first responder interest.

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

35 plus years in leadership. Current and prior roles had P&L responsibilities. Clear understanding in capital and expense management. Prior years experience as a EMTA serving a volunteer service. Diverse life experience. Member of community. Eager to serve.

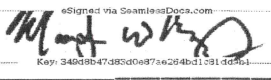
Do you presently serve any State, County or Municipal Boards? No If yes, list _____

Have you ever served on a county board? No If yes, list _____

Additional pertinent information

Very open to serve in any capacity and bring my many years of work and life experience. Open to any need.

Thanks
Monty

Applicant's signature  eSigned via SeamelessDocs.com
Key: 34698047-985d0e87ae294bd1c91dd5b1

Date 2/10/2022

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

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

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE



Name james c massey

Mailing Address _____ City/Zip van wyck s c 29744

Street Address _____ Registered

Voter yes X no _____

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

Email: j1massey@yahoo.com

Occupation retired Place of employment _____

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

Name of Board or Commission in which you are interested

1st choice van wyck fire district fee board 2nd choice _____

3rd choice _____

Reason for interest

This in the fire district I live within and I would like to help us get better ratings for iso and more help for our fire persons

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

I served 3 terms on Lancaster fire commission , many years as chief of van wyck fire department ,45 years in this department . 15 year on board for golden care of which I am chairman

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

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

Additional pertinent information

Applicant's signature james c massey *Date* 2/13/2022
Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

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