Council Members
District 1: Stuart Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Vice Chair
District 4: Jose Luis
District 5: Steve Harper
District 6: Bryant Neal, Secretary
District 7: Brian Carnes, Chair

Lancaster County
South Carolina

County Administrator
Dennis E. Marstall

County Attorney
Ginny L. Merck-Dupont

Clerk to Council
Sherrie Simpson

March 12, 2025
4:00 PM

LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
COUNTY COUNCIL CHAMBERS, COUNTY ADMINISTRATION
BUILDING, 101 NORTH MAIN STREET, LANCASTER, SC 29720

MINUTES

Council Members Present: Brian Carnes, Stuart Graham, Steve Harper *(who left the meeting early at approximately 5:37 p.m.)*, Jose Luis *(who left the meeting early at approximately 5:59 p.m.)*, Charlene McGriff, Billy Mosteller, and Bryant Neal.

Council Members Absent: None

Staff Members/Others Present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney *(who left the meeting early at approximately 5:33 p.m.)*; Sherrie Simpson, Clerk to Council; Sabrena Harris, Chief Financial Officer; Allison Hardin, Development Services Director; Clay Catoe, Emergency Medical Services Director; Darren Player, Fire Rescue Director; Chief Greg Nicholson, Greater Indian Land Consolidated Fire Fee District; Lawrence Flynn, attorney with Pope Flynn law firm; the press; various elected officials; various Department Heads; various employees; and citizens.

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

Call to Order Regular Meeting - Chairman Brian Carnes

Chairman Brian Carnes called the Committee of the Whole regular meeting of County Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Brian Carnes

Chairman Brian Carnes welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Steve Harper

Council Member Steve Harper led the Pledge of Allegiance to the Amercian Flag and delivered the Invocation.

Approval of the Agenda
Charlene McGriff moved to approve the agenda. Seconded by Jose Luis. The agenda was approved by a unanimous vote of 7-0.

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.

Discussion and Action Items

a. Fire Service Apparatus Purchase and Enhanced Fire Staffing - ***Dennis Marstall / Darren Player***

Dennis Marstall began the discussion by referencing a letter and vehicle replacement list from the Fire Commission, both of which are contained in the agenda packet. He noted that the letter contained a recommendation from the Fire Commission to purchase the apparatus and equipment replacement list. Mr. Marstall further explained that the County wanted to get back on a purchasing schedule for this apparatus and equipment. The Chair of the Fire Commission, Stacy Roberts, spoke about the need for the purchase of trucks and equipment. He noted that this replacement list was in priority order of need. Dennis Marstall stated that Council would have to determine how to purchase the apparatus and equipment and how much of the list should be purchased.

Attorney Lawrence Flynn with Pope Flynn law firm discussed how the County could move forward with a County-wide fire service area. He began his discussion by providing the history of fire services' evolution in South Carolina. He noted that the State still operates under the 1895 constitution and that when that Constitution was adopted, the unincorporated counties only paved roads and had special purpose districts. He explained that in 1973 and 1975, the State added Home Rule amendments to the Constitution. He noted that Home Rule was what legally added fire services, and other services, to the counties' responsibilities. However, by that time, volunteer fire departments were already in existence in the counties. Therefore, he noted that counties would work with the various volunteer fire departments already in existence, and they would then simply add in services for areas not already covered. He explained that the County was proposing a legal and validly enforceable means of moving the County forward for fully funding fire service functions, which was ultimately the responsibility of County Council. He noted that there are three ways to create special districts: (1) create them by ordinance alone, which would be a tax district consisting of the entire unincorporated area of Lancaster County and carving out the specific jurisdictional boundaries of the incorporated municipalities, which is what the County was proposing to institute; (2) create them by petitioning the property owners of the district, which is constitutionally disfavored because you cannot tie voting rights to property ownership; and (3) create them by a petition and referendum approach where you create a special tax district of taxpayers in a specific area by petition and then Council approves and authorizes a referendum and, if it passes, then Council approves the special district by ordinance, which is a referendum burden. He noted that in 1984, the County Fire Service Area Act was passed that allowed the creation of special fire service districts by ordinance alone, which was option 1. He also noted that the county-wide unincorporated tax fire district does not count against the County's eight percent debt limit and does not have a debt limit. He further noted that, as long as you are using the tax levy for a different purpose or service than the taxes already levied in a special geographic fire district, then both taxes can be administered in that district as long as they are for different services. For example, in the Greater Indian Land Fire Fee District, they have a tax levy for funding full-time firefighters for operational expenses, but the County could also create a county-wide unincorporated district levy for capital equipment, which is a different service, and then the Greater Indian Land Fire Fee District would pay both fees. The proposal is to create an unincorporated area, County-wide fire service area or district, which would be an administrative department of the County whose budget would be determined by Council with advice from the Fire Service Commission, if so desired, so that the County would have a funding vehicle for fire services. He noted that to include municipal participation, the County could do that via contract.

Council, staff and Mr. Flynn discussed the previous process for funding of fire apparatus, funding for operational expenses versus capital expenses, whether an attorney general's opinion was needed regarding fire services, legal authorization for fire services in municipalities, the need for contracts and agreements with municipalities, mutual assistance for fire trucks and practical limitations within areas of the County, mutual aid between other Counties and States for fire services, apparatus purchase planning, purchasing apparatus via the general fund versus bond indebtedness, cycles or structure of apparatus purchasing, truck replacements based on mileage versus years versus service hours, and discounts for equipment based on up front payments. Council requested to have a list of apparatus expenditures that would be needed over the next four years. Mr. Flynn noted that any ordinance would have to specifically clarify the functions for which the taxes were being used; for example, apparatus, equipment, stations, etc. Council and staff discussed next steps and whether they wanted an ordinance brought forward to create a fire service district. Council requested to know what the millage might be for various purchase options for various timelines.

Council asked what the general fund balance was currently and the amount that needed to be kept in the general fund in order to maintain the County's credit rating. Dennis Marstall directed the members to a two-page handout entitled, "Unassigned Fund Balance Code," and, "Unassigned Fund Balance History," and those handouts are attached to these minutes as Schedule A. Dennis Marstall explained that the County needed to keep 32% of the general fund operating in fund balance. Council requested to have options brought forward where some of the apparatus was purchased with fund balance and some was purchased using bonds.

Dennis Marstall also requested that Council receive information on a staffing request and recommendation from the McDonald Green Volunteer Fire Department. Chief Sowell explained that the Fire Department purchased a house in order to have 24-7 staff coverage, and he noted that all the Department was in favor of the County supplying this coverage. Stacy Roberts, Chair of the Fire Commission, also explained that the Fire Commission was in favor of this 24-7 staffing coverage. Darren Player reviewed the Moving Forward Enhanced Fire Staffing Model via the County powerpoint presentation. Council and staff discussed using firefighter 1 and 2 positions instead of using captains and engineers immediately, funding for the staffing models requested, and how to be fair to the Indian Land Fire Districts. Dennis Marstall requested that Council consider one more position and to elevate some staff salaries to new positions for Fire Services this year, which would commit the County to $600,000, and which would carry into the next fiscal year and which would start the 24-7 staffing model at McDonald Green. Council requested to have this item on a future agenda.

b. UDO Review of Module 4 - *Presented by White and Smith Consultants' Tyson Smith, Kelly Cousino, and Sean Scoopmire*

Steve Harper left the meeting at approximately 5:37 p.m. before the review of Module 4 of the Unified Development Ordinance (UDO). However, before he left the meeting, he stated that with regard to the upcoming review, he did not believe that the County should have civil penalties in the UDO and that they were not needed and that the County should use stop-work orders instead. Jose Luis also stated that he would need to leave the meeting before 6:00 p.m. and he ended up leaving the meeting at approximately 5:59 p.m.

Sean Scoopmire from White and Smith Consultants provided a review of Module 4 via the County powerpoint presentation. He explained that he would be providing a project update, an overview of module 4 topics, and next steps in the process of the UDO re-write. He reviewed the timeline for the UDO re-write and explained that the overall draft should be ready for fall of 2025. He noted that, in regard to Chapter 10, there was really only one question for Council, which would be whether to allow County staff to have more authority to approve larger variances. Council and the consultant discussed that there should be clear standards for developers and that all variances should be approved the Board of Zoning Appeals. For Chapter 11, Council, staff, and the consultant discussed moving away from civil penalties and using stop-work orders instead. They also discussed using stop-work orders across projects. For Chapter 12, Mr. Scoopmire explained that this chapter needed to comply with the vested rights act. Council, the consultant, and staff discussed non-conforming lots and the need for conformity and flexibility, whether to allow for manufactured housing replacement units, limiting nonconforming junkyards or using a special allowance for them, and then, finally, that the County should provide different nonconformity standards for different development areas (rural versus suburban). Council Member Jose Luis left the meeting during the above discussion. Sean Scoopmire explained that the Chapter 13 Definitions would be updated. There was no further discussion from Council.

Adjournment (Reception Immediately Following in Celebration of Lancaster County's 240th Birthday)

Stuart Graham moved to adjourn the Committee of the Whole meeting. After that motion, Brian Carnes adjourned the meeting. There being no further business to discuss, the Committee of the Whole meeting adjourned at approximately 6:05 p.m.

Respectfully Submitted:

Sherrie Simpson

Sherrie Simpson
Clerk to Council

Approved by Council on April 14, 2025.

Bryant Neal

Bryant Neal, Secretary

Schedule A

Lancaster County
South Carolina

Unassigned Fund Balance Code

Fund balance is a measurement of financial resources available. It is the policy of the county to maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates. For this reason, it is the county's objective to:

(1) **Maintain a general fund unassigned fund balance at a level of 28—32 percent of the general fund operating budget; and**

(2) If the year-end unassigned fund balance is more than 32 percent of the general fund operating budget, then the administrator will assess and recommend to council ways in which the excess will be allocated during the next annual operating and capital budget process. The surplus can only be allocated for one (1) of the following purposes:

a. One-time capital expenditures which do not increase ongoing operational costs;

b. Establishing or increasing reserves for special purposes;

c. Other one-time costs; and

d. Debt reduction.

(3) If the unassigned fund balance falls below 28 percent of the general fund operating budget, the administrator will pursue and recommend to council ways of increasing revenues or decreasing expenditures, or a combination of both until the threshold is attained within a time period not to exceed three (3) years. At the inception of the implementation of this policy, such recommendations, and implementation of plans to increase the fund balance(s) of the county may be through the annual county budget ordinance(s), or through separate ordinances of the county.

(4) County council may authorize the expenditure of fund balance that would cause the unassigned fund balance to decrease to below 28 percent of regular general fund expenditures by a supermajority (five (5) to two (2) vote of council). After such vote, the administrator will plan and recommend to council ways to replenish the balance to 28—32 percent. The threshold must be reached within a period not to exceed three (3) years.

Schedule A

Lancaster County South Carolina

Unassigned Fund Balance History

General Fund Unassigned FB History (audited)			
Fiscal Year	Unassigned Fund Balance at Year End	Change from PY ($)	Change from PY (%)
2020	31,250,074		
2021	39,311,581	8,061,507	25.80%
2022	45,686,605	6,375,024	16.22%
2023	54,288,945	8,602,340	18.83%
2024	55,467,741	1,178,796	2.17%