

Lancaster County Council Infrastructure and Regulation Committee

Tuesday, November 10, 2015

**County Council Conference Room
Council Administration Building
100 N. Main Street
Lancaster, SC 29720**

1. **Call to Order – Committee Chair Larry Honeycutt** **3:00 p.m.**
2. **Approval of the agenda** *[deletions and additions of non-substantive matters]*
3. **Minutes of the October 13, 2015 meeting – pgs. 2-4**
4. **Citizens Comments**
5. **Discussion / Action Items**
 - a. Clemson study update. *Kathryn Small*
 - b. Letter of Intent to apply for Recreational Trails Program funding. *Steve Willis – pgs. 5-6*
 - c. County roads that are driveways. *Steve Willis and Jeff Catoe – pgs. 7-14*
 - d. Update on Sun City Carolina Lakes roads. *Jeff Catoe – pgs. 15-17*
 - e. Update on the latest draft plans for recycling center. *Steve Willis and Jeff Catoe – pgs. 18-37*
 - f. Update on the status of legacy roads. *Jeff Catoe – pgs. 38*
6. **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 Infrastructure and Regulation Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancaster.org



MINUTES OF THE LANCASTER COUNTY COUNCIL INFRASTRUCTURE AND
REGULATION COMMITTEE
COUNTY ADMINISTRATION BUILDING
COUNCIL CONFERENCE ROOM
101 N. MAIN STREET, LANCASTER

Members of the Lancaster County Council Infrastructure and Regulation Committee

Larry Honeycutt, Committee Chairman – District 4
Larry McCullough, Council Member – District 1
Jack Estridge, Council Member – District 6

DRAFT

**Tuesday, October 13, 2015
3:00 P.M.**

The Committee Members present were Larry Honeycutt, Jack Estridge and Larry McCullough. Also present were Steve Willis, John Weaver, Debbie Hardin, Brenisha Wells, and other staff members. A quorum of the Lancaster County Council Infrastructure and Regulation Committee was present for the meeting.

The following press was notified of the meeting by e-mail or by fax in accordance with the Freedom of Information Act: Lancaster News, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Call to Order

Chairman Honeycutt called the meeting to order at 3:00 p.m., a notice of the meeting had been posted and the news media had been contacted of the meeting place and time.

Approval of Agenda

Councilman McCullough moved to approve the agenda. SECONDED by Councilman Estridge. Passed 3-0.

Minutes of the September 8, 2015 meeting

MOTION was made by Councilman Estridge to approve the minutes of the September 8, 2015 meeting. SECONDED by Councilman McCullough. Passed 3-0.

Citizen Comments

Waylon Wilson stated that he was attending the meeting for clarification. He stated that when the Planned Development District (PDD) of Ansley Park was brought before the Planning Commission a year ago, he understood that a portion would be extracted.

DRAFT

Discussion/Action

Revision of plans for Twelve Mile Creek Road

County Administrator Steve Willis explained that the Development Agreement with TDON will need to be revised to show that the new alignment of Twelve Mile Creek Road will be a county maintained road.

The current road is dirt and the new road will be paved.

County Attorney John Weaver further explained that the document on pages 10-11 of the agenda will be expanded and put into legal format.

There was a brief discussion on safety and the width of the road. Jeff Kronengold with TDON stated that the road will be 22ft wide and less than a mile long.

Councilman Honeycutt asked if the County would maintain the dirt road. Mr. Willis explained that the County would maintain the new intersection at Henry Harris Road back to the cul-de-sac.

Councilman McCullough moved to provide this same information to full Council at the next meeting. SECONDED by Councilman Estridge. Passed 3-0.

Ordinance regarding Ansley Park Development Agreement

Mr. Weaver apologized for not having a written summary and proceeded to explain the process regarding this ordinance. Mr. Weaver explained that Forestar (USA) Real Estate Group Inc. (developer) is interested in the residential portion of the Ansley Park Development. Mr. Weaver stated that a \$1,000 per roof top fee is included in the negotiation. The fee would be payable upfront rather than on a per lot basis. Mr. Weaver stated that the proposed agreement would be discussed more in Executive Session.

Mr. Weaver stated that timing is very important with this project. He recommended that Council and the Planning Commission to consider this ordinance simultaneously in an effort to have Third Reading by December.

Charles Deese, Planning Commission chairman, asked if the time frame given will allow the proper timing for advertising. Penelope Karagounis, Planning Director, stated that it would allow for proper advertising, with a Public Hearing tentatively scheduled for November 17th. Councilman McCullough asked what will be the outcome if the process is not complete by December. Tim Coey, a representative from the developer, stated that the closing date for the property would have to be negotiated.

October 13, 2015

PAGE 3

DRAFT

Councilman McCullough asked Planning Director Karagounis her thoughts. Ms. Karagounis stated that it has been normal procedure to bring forth to the Planning Commission first, then a recommendation to Council. She stated that Mr. Weaver advised that with the time restraint, this process would be more suitable for this project. It was the consensus of the committee to accept the recommendation of Mr. Weaver.

Executive Session

Councilman McCullough made a motion to move into Executive Session. SECONDED by Councilman Estridge. Passed 3-0. Mr. Deese was asked to stay for Executive Session.

Councilman McCullough made a motion to adjourn Executive Session, where no votes were taken, and return to the regular meeting. SECONDED by Councilman Estridge. Passed 3-0.

Councilman McCullough made a motion to authorize the County Attorney to continue negotiations with the applicant as discussed in Executive Session. SECONDED by Councilman Estridge. Passed 3-0.

Adjournment

There being no further business, Councilman McCullough made a MOTION to adjourn. SECONDED by Councilman Estridge. Passed 3-0.

Respectfully Submitted:

Approved by Committee Chair

Brenisha S. Wells
Deputy Clerk to Council

Larry Honeycutt, Committee Chair

Agenda Item Summary

Ordinance # / Resolution#:	Information Item/ Council Correspondence
Contact Person / Sponsor:	Steve Willis/ Penelope Karagounis
Department:	Admin/ Planning
Date Requested to be on Agenda:	I&R Committee – November 10, 2015 Council Correspondence – November 23, 2015

Issue for Consideration:

Letter of Intent to apply for Recreational Trails Program funding.

Points to Consider:

This is a letter of intent to apply, not an actual grant application. That will come later presuming Council has no objection.

The project is the Lindsay Pettus Greenway, a part of the Carolina Thread Trail.

Funding and Liability Factors:

As proposed at this time, local grant funding would come from the Carolina Thread Trail.

The grant would be for \$100,000.

Council Options:

None at this time. If Council has an objection, we would like to know prior to the grant application.

Staff Recommendation:

Proceed with the grant application at the appropriate time.

Committee Recommendation:

To be determined.

2015, 2016 & 2017 LETTER OF INTENT FORM
Recreational Trails Program (RTP)

SCPRT USE ONLY

Received: _____

Postmarked: _____

Sponsor Lancaster County

Contact Person Grazier Rhea

(The contact person is someone who will be in direct contact with SCPRT)

Title Community Development Director Email grhea@catawbacog.org

Mailing Address P.O. Box 450

City Rock Hill State SC Zip 29721

Type of Sponsor (check one)

☐ Federal Agency

☐ State Agency*

☒ Local Agency*

☐ Non Profit Organization

☐ For Profit Organization

☐ Other (explain) _____

☒ RTP \$ 100,000
(Grant Amount)

Briefly describe the proposed project(s) in the space provided.

This will be the first phase of the Lindsay Pettus Greenway development which will entail a multimodal trail for recreational pedestrian and bicycle use. Included will be 2 miles of paved trails along Gill's Creek from the Barr Street Development Center, on Barr Street, to Gillsbrook Road. The trails will link 4 schools, 2 Lancaster City parks, and the city's downtown district.



Signature

County Administrative
Title

Steve Willis

Printed Name

October 29, 2015

Date

Deadline for submitting Letter of Intent Form is Monday, November 2, 2015 at 4:00 pm.

Please mail or email form to:

Attn: 2015, 2016 & 2017 RTP Letter of Intent
SC Department of Parks, Recreation & Tourism
1205 Pendleton Street, Suite 517
Columbia, SC 29201
rpratt@scprt.com

Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Steve Willis/ Jeff Catoe
Department:	Admin/ Public Works
Date Requested to be on Agenda:	I&R Committee – November 10, 2015 Council – November 23, 2015

Issue for Consideration:

County roads that are in essence driveways serving a single residence.

Points to Consider:

Prior to the adoption of the current ordinance, the acceptance of a road into the county's maintenance system was less formal. During this time many roads were given to Lancaster County with little or no review and approval. These roads have been maintained by Lancaster County since. A preliminary review indicates that some of these roads may not provide enough public benefit to justify the continued funding of its maintenance by Lancaster County.

An Attorney General's opinion prohibits the use of public funds in such a manner.

We propose to address these roads as they come up. In many cases this happens when road maintenance is needed. We would propose to address needed maintenance prior to initiating a court action to abandon the roadway.

Funding and Liability Factors:

Funding will vary depending upon the needed maintenance.

Abandonment of these driveways will decrease the County's liability.

Council Options:

Limited; we must follow the law in such matters.

Staff Recommendation:

When a situation arises, notify the affected land owner that we will address the needed maintenance and commence a court action to abandon the road since we should have never assumed ownership and maintenance responsibilities.

Committee Recommendation:

To be determined.

Federal and state law requires that public funds be expended for public purposes. The South Carolina Attorney General Henry McMaster explained in a January 2004 and a February 2005 opinion:

This office has repeatedly recognized that public funds must be used for public and not private purposes. See, e.g., Opinion of the Attorney General dated October 8, 2003 citing decisions of the South Carolina Supreme Court in Elliott v. McNair, 250 S.C. 75, 156 S.E.2d 421 (1967); Haesloop v. Charleston, 123 S.C. 272, 115 S.E.2d 596 (1923). In an opinion dated August 29, 2003, we advised that, "[T]he Due Process Clause of the Constitution (federal and state) requires that public funds must be expended for a public purpose." Moreover, Article X, Section 5 of the State Constitution requires that taxes (public funds) be spent for public purposes. While each case must be decided on its own merits, the notion of what constitutes a public purpose has been described by our Supreme Court in Anderson v. Baehr, 265 S.C. 153, 217 S.E.2d 43 (1975) as follows:

(a)s a general rule a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity and contentment for all the inhabitants or residents, or at least a substantial part thereof ... Legislation (i.e., relative to the expenditure of funds) does not have to benefit all of the people in order to serve a public purpose.

See also: WDW Properties v. City of Sumter, 342 S.C. 6, 535 S.E.2d 631 (2000); Nichols v. South Carolina Research Authority, 290 S.C. 415, 351 S.E.2d 155 (1986); Carll v. South Carolina Jobs-Economic Development Authority, 284 S.C. 438, 327 S.E.2d 331 (1985); Caldwell v. McMillan, 224 S.C. 150, 77 S.E.2d 798 (1953). An opinion of this office dated December 18, 2000 commented that the constitutional requirement of "public purpose ... was intended to prevent governmental bodies from depleting the public treasury by giving advantages to special interests or by engaging in non-public enterprises." Furthermore, Article X, Section 11 of the State Constitution provides that:

(t)he credit of neither the State nor of any of its political subdivisions shall be pledged or loaned for the benefit of any individual, company, association, corporation, or any religious or private education institution except as permitted by Section 3, Article XI of this Constitution.

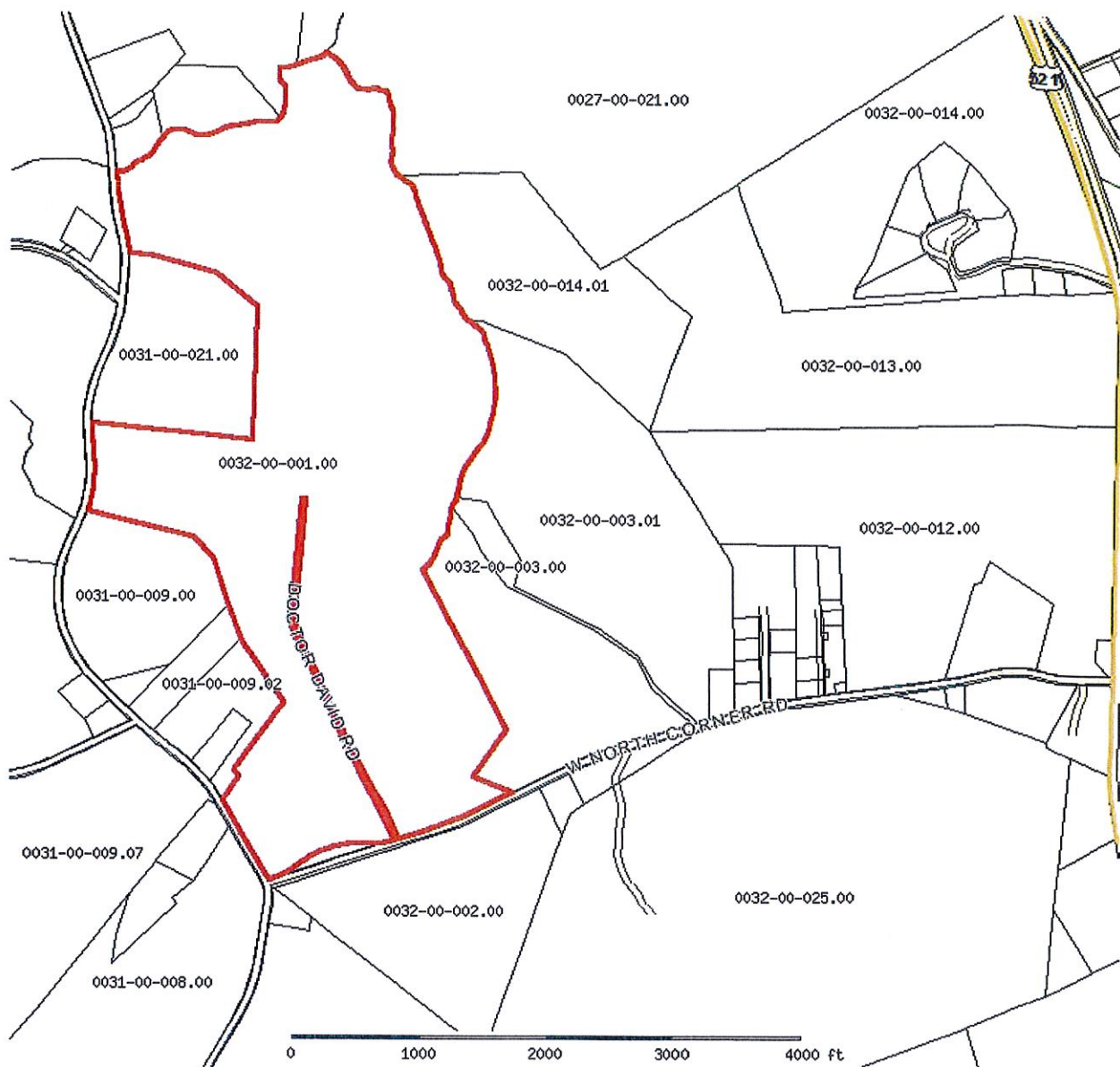
This provision proscribes the expenditure of public funds "for the primary benefit of private parties." State ex rel. McLeod v. Riley, 276 S.C. 323, 329, 278 S.E.2d

612 (1981). The term "credit" has been construed as any "pecuniary liability" or "pecuniary involvement". *Elliott v. McNair, supra*.

In Nichols, the court established the following test to determine whether the "public purpose" requirement has been met:

(t)he Court should first determine the ultimate goal or benefit to the public intended by the project. Second, the Court should analyze whether public or private parties will be the primary beneficiaries. Third, the speculative nature of the project must be considered. Fourth, the Court must analyze and balance the probability that the public interest will be ultimately served and to what degree.

318 S.E.2d at 163. *In Bauer v. S.C. State Housing Authority*, 271 S.C. 219, 256 S.E.2d 869 (1978), the Supreme Court warned that "(i)t is not sufficient that an undertaking bring about a remote or indirect public benefit to categorize it as a project within the sphere of public purpose."



Lancaster County Assessor

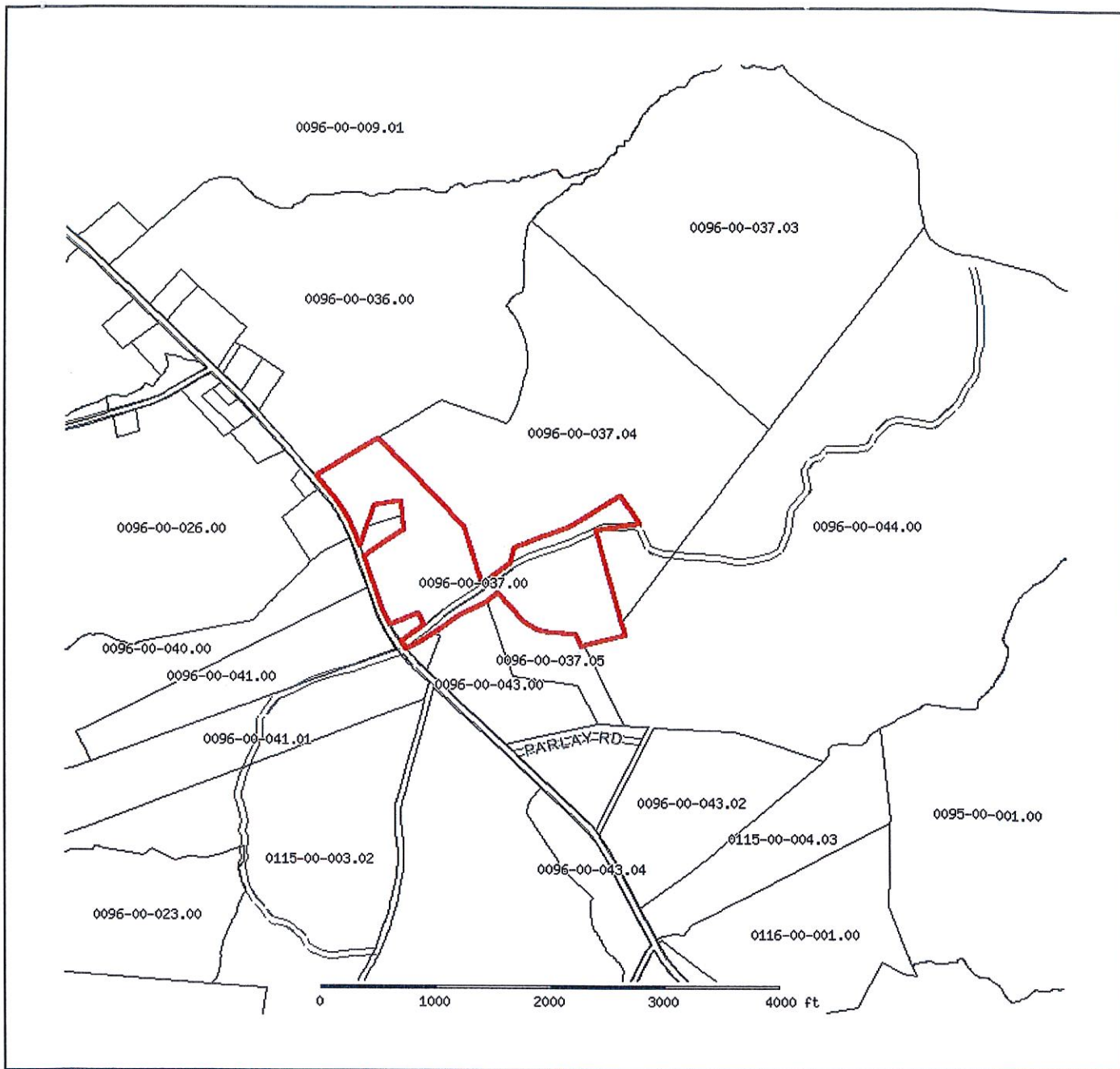
Parcel: 0032-00-001.00 Acres: 270.64

Name:	DAVID GEORGE L JR	Land Value	\$2,706,414.00
Site:	3711 DOCTOR DAVID RD	Improvement Val	\$232,600.00
Sale:	\$0 on 08-1969 Vacant= Qual=	Accessory Value	\$50,900.00
Mail:	3711 DOCTOR DAVID RD	Total Value	\$2,989,914.00
	LANCASTER, SC 29720-0000		



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Date printed: 11/04/15 : 12:46:51



Lancaster County Assessor			
Parcel: 0096-00-037.00 Acres: 49.69			
Name:	JOHNSON BARBARA A & WALTER F	Land Value	\$109,938.00
Site:	8853 TAXAHAW ROAD	Improvement Val	\$55,000.00
Sale:	\$\$1 on 04-2013 Vacant= Qual=1	Accessory Value	\$75,300.00
Mail:	8853 TAXAHAW RD KERSHAW, SC 29067-0000	Total Value	\$240,238.00



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Date printed: 11/04/15 : 12:56:40

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Department: Administration

Date Requested to be on Agenda: 11/10/15

Committee: I&R

Issue for Consideration:

Roads County maintain that have 1 property owner and could be considered a driveway:

Dr. David Road

Buzzard Roost Road

Johnson Turkey Barn Road

Points to Consider:

Public Works may be/have been currently maintaining roads with one property owner, which may need to cease.

Funding and Liability Factors:

Dr. David Road- Approx. \$550 per year in maintenance (bush hog/asphalt patch)

Buzzard Roost Road- Approx. \$367.75 per year in maintenance (machine/stone)

Johnson Turkey Barn Road- Approx. \$402 per year in maintenance (machine/stone)

Council Options:

Keep maintaining roads

Cease maintaining roads

Recommendation:

Recommend cease maintaining per State law, if applicable

Staff will continue to research other roads that may be applicable to State law as well

Need to budget for a road inventory update for next FY (CTC/Public Works-professional services)

Jeffery D. Catoe

From: Steve Willis
Sent: Wednesday, October 07, 2015 9:26 AM
To: Jeffery D. Catoe; Road
Cc: Penelope Karagounis
Subject: Plats showing public roads

Jeff,

I know that occasionally we have folks coming in and claiming a road is a county road simply because the recorded plat says it is a public road. I wanted to make sure that you had this section of state law for your files as it says specifically the plat is not prevailing.

Thanks,
Steve

SECTION 6-29-1170. Approval of plan or plat not acceptance of dedication of land.

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the municipality or the county or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the governing body customary to these transactions.

HISTORY: 1994 Act No. 355, Section 1

Steve Willis, County Administrator
County of Lancaster
PO Box 1809
Lancaster, SC 29721-1809
803.416.9300 (voice) / 803.285.3361 (fax)
swillis@lanastercountysc.net
www.mylanastersc.org

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Jeffery D. Catoe

From: Steve Willis
Sent: Sunday, November 01, 2015 2:45 PM
To: Jeffery D. Catoe
Subject: Johnson Turkey Barn Road

Jeff,

I have looked on the GIS map and the Assessor's map and cannot find Johnson Turkey Barn Road. Can you tell me where off Taxahaw Road this is located? I was thinking about including this one as well as Dr. David Road in the discussion with the I&R Committee.

Thanks,
Steve

Steve Willis, County Administrator
County of Lancaster
PO Box 1809
Lancaster, SC 29721-1809
803.416.9300 (voice) / 803.285.3361 (fax)
swillis@lancastercountysc.net
www.mylancastersc.org

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Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Department: Administration

Date Requested to be on Agenda: 11/10/15

Committee: I&R

Issue for Consideration:

Update on Carolina Lakes Road acceptance resolution

Points to Consider:

Public Works and ICE Engineering have reviewed the information provided by Pulte and found the Reports to be satisfactory. Public Works to schedule video camera of storm lines in SCCL.

Funding and Liability Factors:

Camera truck cost to be paid by Public Works- professional services budget

Council Options:

Uphold resolution of not accepting roads in Sun City

Re evaluate situation

Recommendation:

Recommend considering language in the Development Agreement as pertaining to storm drain maintenance

Jeffery D. Catoe

From: Jeffery D. Catoe
Sent: Monday, November 02, 2015 4:33 PM
To: Steve Willis
Subject: FW: Sun city

Steve,

Bill Coleman has reviewed the reports and has the same comments as myself, all looks very well. I asked him to forward up to a staff PE and give me a synopsis of his/her findings, which will more than likely be the same. I have not scheduled the tv camera, but will do so through the winter months if we aren't covered in snow, or under water. I talked to Brett about "as builts" about a month ago, and he agreed on all future roads, and wasn't disagreeing with producing the "as builts" for accepted phases, but mentioned this is not in the development agreement. John Weaver has asked the Pulte attorney the same in written correspondence. Thanks.

Jeff Catoe
Lancaster County
Public Works Director
P.O Box 1809
Lancaster, SC 29721
(803) 416-9692 Phone
(803) 285-3835 Fax

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From: Bill Coleman [<mailto:bill.coleman@ice-eng.com>]
Sent: Monday, November 02, 2015 11:08 AM
To: Jeffery D. Catoe
Subject: Sun city

Just reviewed disk and will give to Tim tomorrow. Based on tests results, there should be no failures for many years.

Bill Coleman | *Construction Manager*
bill.coleman@ice-eng.com | 803-261-5581 (C)

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Department: Administration

Date Requested to be on Agenda: 11/9

Committee: I&R / Administration

Issue for Consideration:

Update on latest draft plans for recycling center

Points to Consider:

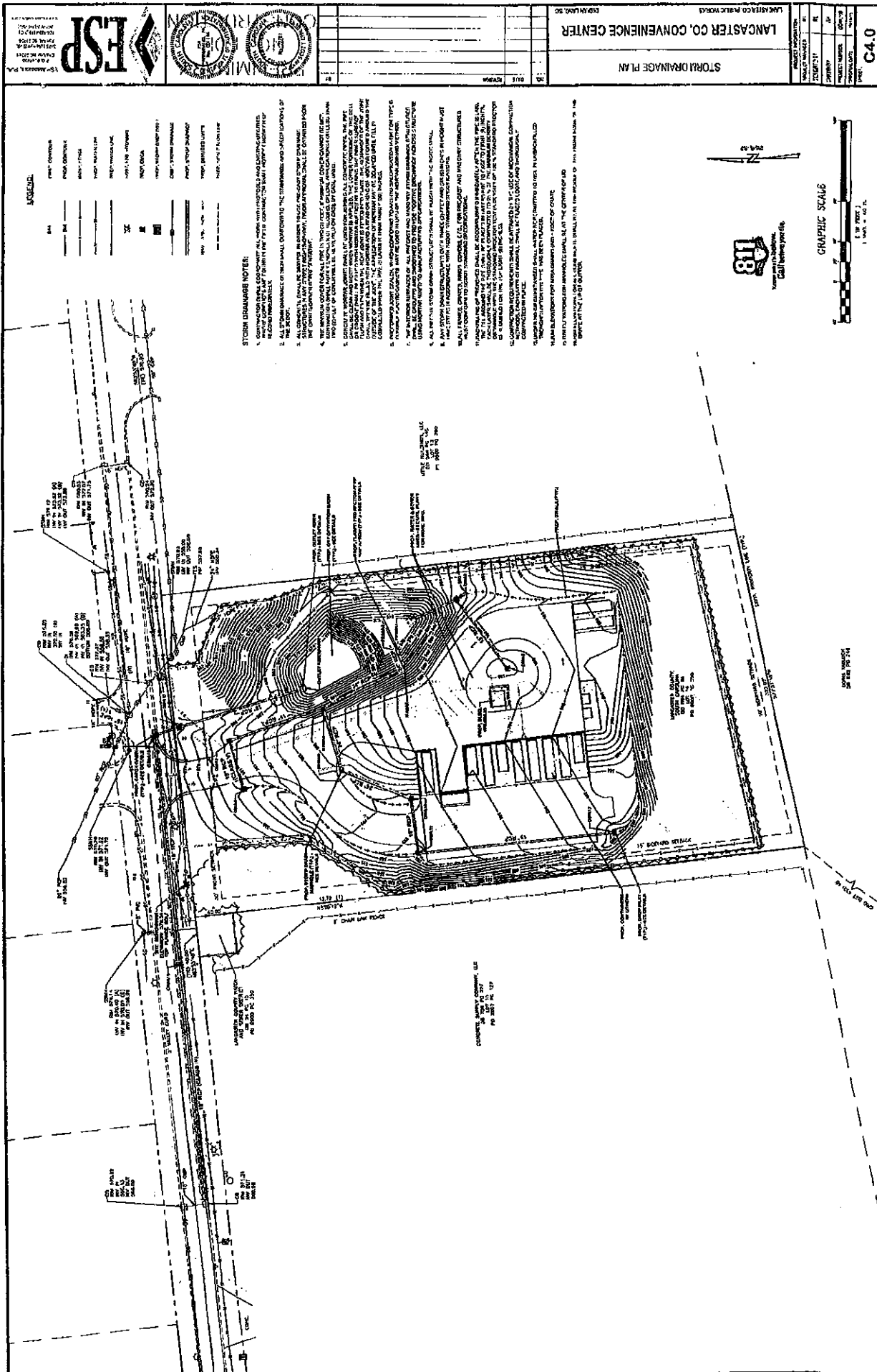
Funding and Liability Factors:

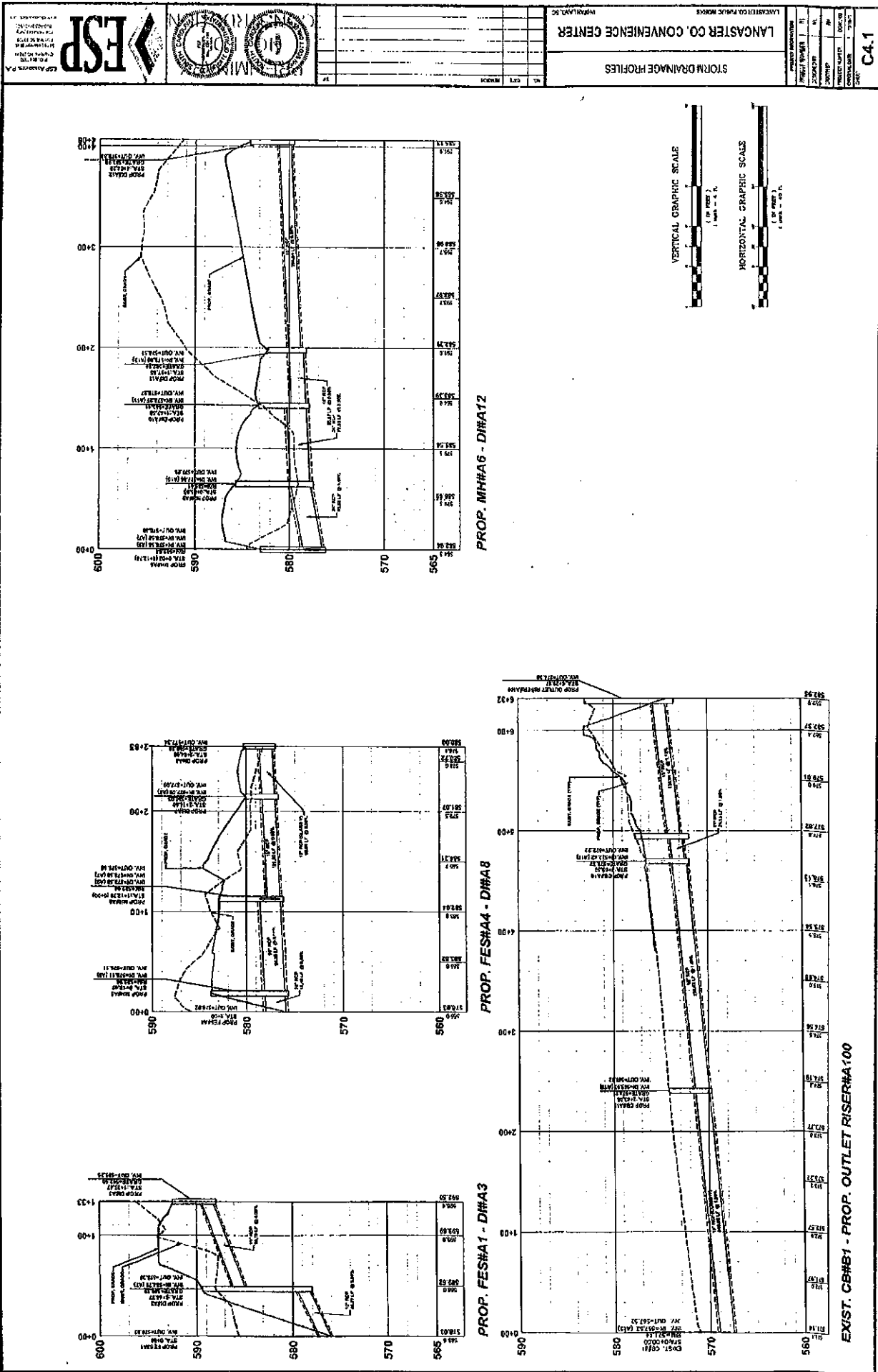
Budgeted item in FY 2015/2016 budget

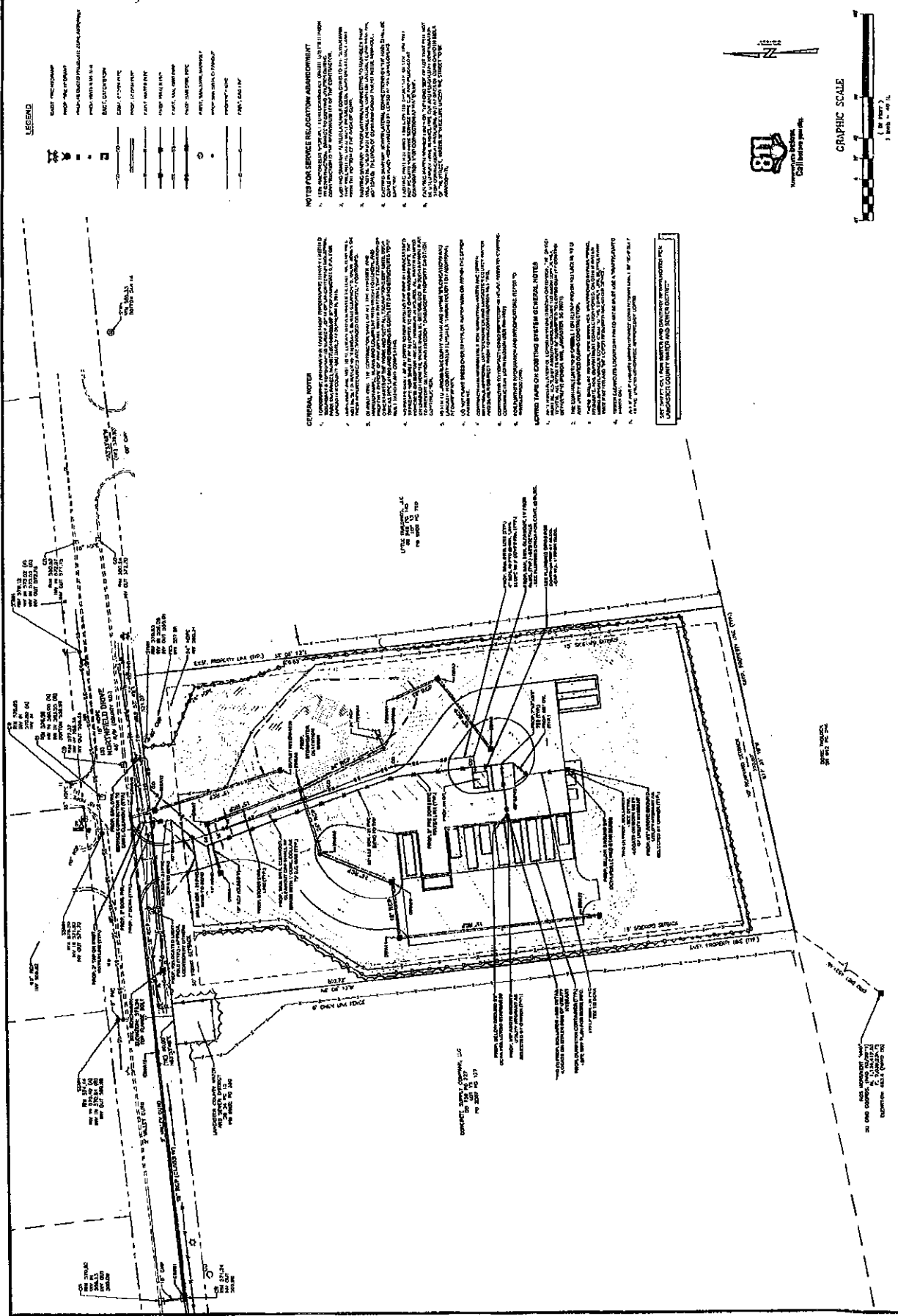
Council Options:

Recommendation:

For information only. Awaiting DHEC/LCWSD/Zoning final approval. Tentative bid date- Jan 2015. Tentative completion date: 2nd quarter 2016







QUALITY NOTES

LAURENCE: I AM CURRENTLY A VISITOR AT THE UNIVERSITY OF CALIFORNIA, BERKELEY. I AM CURRENTLY A VISITOR AT THE UNIVERSITY OF CALIFORNIA, BERKELEY.

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JANICAR COUNTY WATER & SEWER DISTRICT WATER GENERAL NOTICE

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the individuals involved. This information will be used to develop a plan of action.
2. The second step is the development of a plan of action. This plan will outline the steps that will be taken to solve the problem. It will also identify the individuals who will be responsible for each step.
3. The third step is the implementation of the plan of action. This is done by the individuals who are responsible for each step. They will follow the plan and take the necessary actions to solve the problem.
4. The fourth step is the evaluation of the results. This is done by the investigator who will assess the effectiveness of the plan and the actions taken. This will determine if the problem has been solved and if the plan was effective.
5. The fifth step is the documentation of the results. This is done by the investigator who will write a report on the findings of the investigation. This report will be used to inform the management and to provide a record of the investigation.
6. The sixth step is the dissemination of the results. This is done by the investigator who will share the findings of the investigation with the management and the individuals involved. This will ensure that everyone is aware of the results and the actions taken.
7. The seventh step is the follow-up. This is done by the investigator who will check on the progress of the plan and the actions taken. This will ensure that the problem is solved and that the plan was effective.
8. The eighth step is the closure of the case. This is done by the investigator who will close the case and provide a final report on the findings of the investigation.
9. The ninth step is the review of the process. This is done by the management who will review the process and the results of the investigation. This will determine if the process was effective and if any changes need to be made.
10. The tenth step is the implementation of the changes. This is done by the management who will implement the changes that were recommended by the review. This will ensure that the process is improved and that the problem is solved.

[illegible][illegible]

SITE CONSTRUCTION DETAILS

RETAINING WALL NOTES

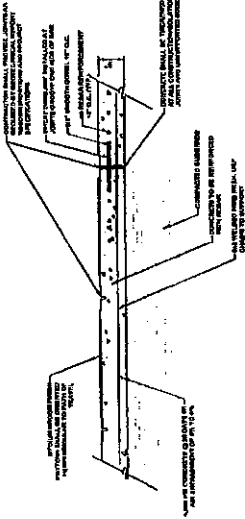
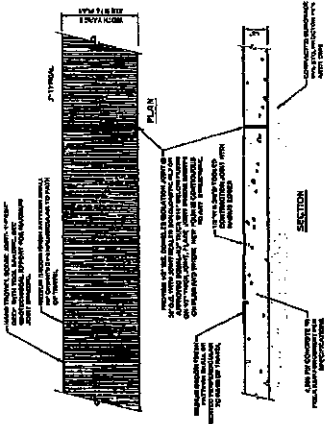
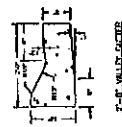
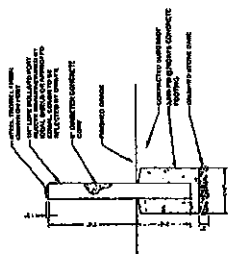
RETAINING WALL NOTES

CONCRETE SIDEWALK

VEHICULAR CONCRETE PAD

STEEL BOLLARD

CONCRETE CURB AND GUTTER



GRAVEL SURFACE YARD & VEHICULAR ASPHALT PAVEMENT

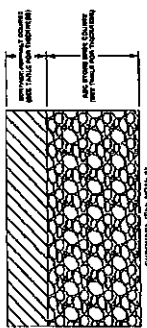
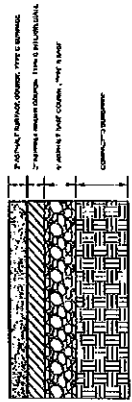
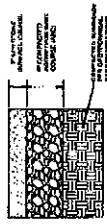
LANCASTER COUNTY FULL DEPTH ASPHALT

ASPHALT PAVEMENT

[illegible]

10/10/2011

NOT TO SCALE



ANALYTICAL TYPE	ANALYTICAL SOURCE (The name of the laboratory)	STATE AGENCY REGIONAL COUNTY (The county in which the sample was collected)
URINE	LA	20
HAIR	LA	20

NOTES:

1. ALL CUSTOMERS SHALL BE CONTACTED TO 100% OF THE MAXIMUM QUANTITY OBTAINABLE WITH THE STANDARD PRACTICE TEST TO DETERMINE OF EPILEPTIC ACTIVITY AND A DENSITY OF 10A 5 STANDARD PRACTICE FOR OPTIMUM GREATER THAN 60% INCHES.
2. SET MECHANICAL RETORT FOR ADDITIONAL INFORMATION.

RETAINING WALL NOTES

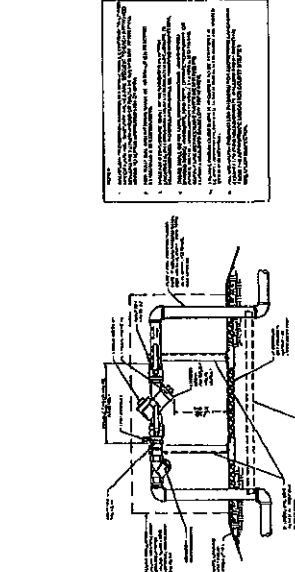
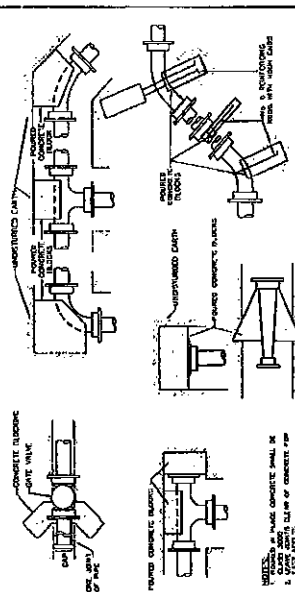
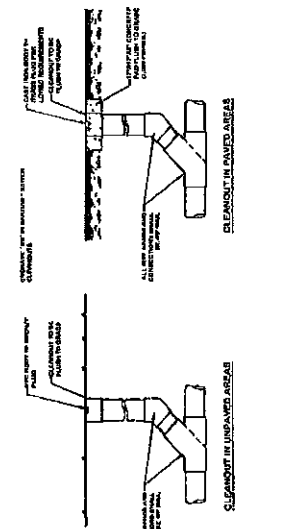
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C7.2

CLEANOUT FOR SANITARY SEWER PIPING

CONCRETE BLOCKING

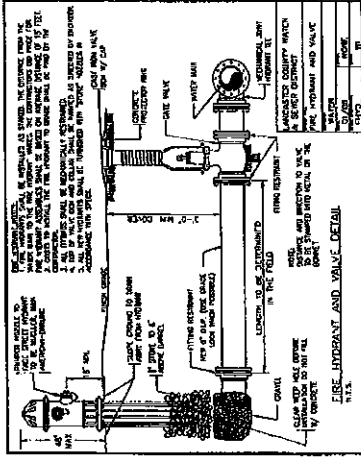
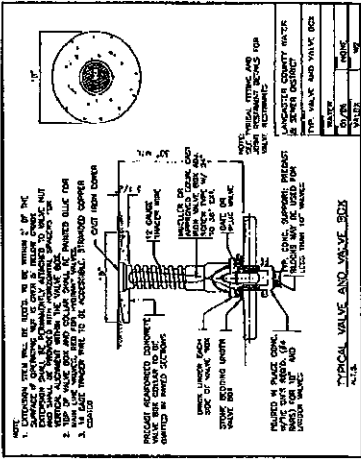
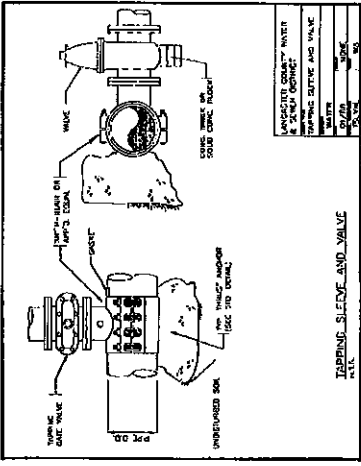
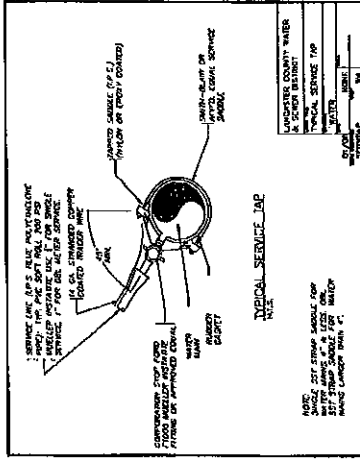
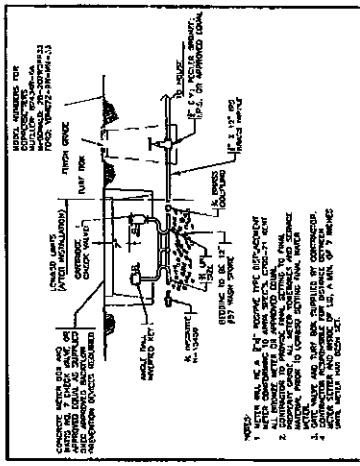
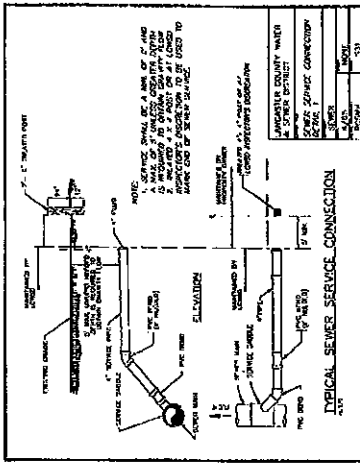
ABOVE GROUND DOUBLE CHECK VALVE ASSEMBLY (DC)



LANCASTER CO. CONVENIENCE CENTER
LANCASTER, PA 17301

UTILITY DETAILS

DATE: 10/1/00
BY: [Signature]



LANCASTER COUNTY WATER
LANCASTER, PA 17301
DATE: 10/1/00
BY: [Signature]

UTILITY DETAILS



Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Department: Administration

Date Requested to be on Agenda: 11/9

Committee: I&R

Issue for Consideration:

Update on Legacy Road status. The following roads/developments have requested acceptance and in some form, have started the process:

Chastain Village- HOA

Silver Run- HOA

Millstone Creek- HOA

Hunters Ridge- Developer

Fox Ridge- Developer

Shiloh North- Developer

Whitehall- Developer

Providence Estates- Developer

Points to Consider:

Legacy road acceptance will add more maintenance miles to Lancaster County, but after deadline, no new Roads accepted by the County, unless Council warrants by super majority, that the road has economic value to Lancaster County.

Funding and Liability Factors:

Once completed, about 4 additional roadway miles will be added to the Lancaster County sytem. Maintenance Will be from back of curb to back of curb, no sidewalks, medians, etc.

Council Options:

None, Information only. Staff will handle the process

Recommendation: