

# Lancaster County Council Infrastructure and Regulation Committee

## Regular Meeting Agenda

Tuesday, May 10, 2016

**County Council Conference Room  
Council Administration Building  
101 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 April 12, 2016 – pgs. 2-5**
4. **Citizens Comments**
5. **Discussion / Action**
  - a. MS4 Storm water discussion. *Steve Willis/Jeff Catoe – pgs. 6-10*
  - b. Verbal update on the proposed Fleet Operations facility. *Steve Willis*
  - c. Pool update on repairs and new findings. *Hal Hiott – pg. 11*
  - d. Process to close small pocket parks. *Hal Hiott – pg. 12*
  - e. Information only - maintenance of a portion of Mt. Nebo Church Road. *Steve Willis*
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.mylancastersc.org](http://www.mylancastersc.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, April 12, 2016

The Committee Members present were Larry Honeycutt, Larry McCullough and Jack Estridge. Also, present Steve Willis, John Weaver, Debbie Hardin 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 Regular Meeting**

Larry Honeycutt called the meeting to order at 3:00 p.m.

**Approval of Agenda**

Larry McCullough moved to approve the agenda. Seconded by Jack Estridge. Passed 3-0.

**Minutes of the March 15, 2016**

MOTION was made by Larry McCullough to approve the minutes of the March 15, 2016 meeting. Seconded by Jack Estridge. Passed 3-0.

**Citizen Comments**

Waylon Wilson, 15117 Legend Oaks Court, Indian Land, discussed the County Attorney's usage of the McNair Law Firm and suggested that County Council select 3 or 4 firms that could be selected on a rotating basis by the County Attorney to not be locked into one firm.

Peter Gertler, 6277 – 600 Carolina Commons, Indian Land, stated that he would prepare a document of the entire storm system for Sun City. Pulte has provided Mr. Gertler with the plans and he is working to index and organize them for county records.



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Councilman McCullough asked if the artifact would be searchable. Mr. Gertler noted that the index would be searchable.

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### **Discussion/Action**

#### ***Update on Sun City road acceptance and development agreements with the same language concerning storm drain maintenance***

Jeff Catoe, Public Works Director, briefed Council on the roads in Sun City. He noted that inspections are complete except for POD V. He stated that there are three Development Agreements with the same language concerning storm drain maintenance (Walnut Creek, Sun City and Bel Air). The agreements state that Lancaster County will accept roads, if built to county standards. The agreement does not state that the County is responsible for the storm drain maintenance. Mr. Catoe described that the road base (6-8 inches of asphalt) is not the issue. The issue is the drainage (3-4 feet below the road), if installed improperly and leaks, it can cause the road to collapse.

Mr. Catoe explained that Lancaster County road inspections consist of compaction test and proof rolls. We do not routinely inspect storm drains.

Councilman McCullough stated that future development agreements must clearly articulate the responsible party of the storm drainage maintenance.

Brett Manery of Pulte Homes, 6912 Spruce Pine Trail, Waxhaw, NC, spoke regarding the inspection process. He stated that Mr. Catoe's team has gone over and above inspecting. He noted that no one should suspect that it was less than standard and he knows of no other county that performs visual storm drain inspections.

John Weaver, County Attorney, stated that the bottom line is Sun City is finished. They want to move on to other projects. Therefore, an agreement will need to be made with the County and Pulte. At this time, we do not have a solution; however, we want a solution.

Councilman McCullough explained that we need to find a solution and that County Council is a decision-making body and not a solution finding body additionally, County Council looks to staff for a solution.

Attorney Weaver stated that he would discuss the issues with Jeff Catoe and Steve Willis and have a route to a solution by July 1, 2016.

#### ***Removal of three roads from the County maintenance system***

Jeff Catoe informed the Committee that there are three roads currently recognized as County maintained roads with no recorded right of way. Dr. David Road has one owner and Fish Hatchery and Morgan Road has two property owners.

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Jeff Catoe recommended closing Morgan Road. There are no connectivity issues and the two property owners, Mr. Morgan and Mr. Buchanan are in agreement with closing.

Larry McCullough moved to accept the recommendation of staff to close the road. Seconded by Jack Estridge. Passed 3-0.

Jeff Catoe recommended closing Dr. David Road and Fish Hatchery Road.

Larry McCullough moved to close Dr. David Road. Seconded by Jack Estridge. Passed 3-0.

Larry McCullough moved to close Fish Hatchery Road. Seconded by Jack Estridge. Passed 3-0.

Mr. Willis explained that these items would come before full Council for discussion prior to filing civil proceedings to close the roads. He further noted that we would notify the property owners of the possible road closures.

***Verbal update regarding the potential sale of 21.7 acres to the Town of Kershaw***

Steve Willis reported that he met with Interim Kershaw Town Administrator, Mr. Mitch Lucas regarding the purchase of the 21.7 acres of county property. Mr. Lucas will find out from the Town Council what the plan is for the property and if they are interested in purchasing the recreation gym as a speculative building. Mr. Willis noted that they are looking to purchase some surrounding property to combine with this acreage for an industrial park.

Councilman Estridge questioned putting an industrial park next to our gym. Councilman McCullough requested that we put the right people together with the Township so that we can work together in this effort.

***Erwin Farm Road signs***

Larry Honeycutt discussed that he answers complaints regarding road signs in Erwin Farm. There are numerous missing signs in that area that could cause delays for emergency response.

Jeff Catoe noted that one-half of the roads in Erwin Farm are county maintained and the other half are SCDOT. He further noted that signs are often stolen and his office tracks the number of times a sign is replaced. Mr. Catoe will work on a sign policy.

***Fleet Maintenance facility update.***

Steve Willis distributed the preliminary sketch attached as schedule A. He stated that they are trying to find the most cost effective location. Councilman McCullough noted that it has



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COMMITTEE

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been talked about for years and stated his frustration with the project. Chairman Honeycutt noted the need to move on with this project. Jeff Catoe informed the Committee that if you put it where proposed, you will have to mass grade the area. This item will be brought back to the committee at the next meeting.

***FAA Fallout funds.***

Ken Holt of Holt Consulting Company, explained that the FAA may have funding available for projects and request that Council budget accordingly, should a grant be awarded. FAA Fallout Funds are funds that are remaining at the end of the fiscal year grant cycle that could be awarded for projects that are shovel ready. The design of the apron expansion at the Lancaster County Airport is a project that is shovel ready and should the FAA award us with funding, Lancaster County would need to pay the local match. Paul Moses, Airport Manager, noted that the preapproval amount for the project is roughly \$1.6 million and the county's grant match portion would be approximately \$83,000.

Larry McCullough moved to recommend to Council. Seconded by Jack Estridge. Passed 3-0.

**Adjournment**

Larry McCullough moved to adjourn. Passed 3-0.

Respectfully Submitted:

Approved by Committee Chair

Debbie C. Hardin  
Clerk to Council

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Larry Honeycutt, Committee Chair

## Agenda Item Summary

|                                 |  |
|---------------------------------|--|
| Ordinance # / Resolution#:      | Information Item   |
| Contact Person / Sponsor:       | Steve Willis/ Jeff Catoe   |
| Department:                     | Admin/ Public Services   |
| Date Requested to be on Agenda: | April 25, 2016 – Council as Information<br>May I&R Meeting for Discussion<br>May 23, 2016 – Council as Action Item |

### **Issue for Consideration:**

Designation of Lancaster County MS4 area.

### **Points to Consider:**

By statute the urbanized area of Lancaster County must be designated as a MS4 (stormwater) area.

The MS4 plan submitted to SC DHEC contained only the urbanized area.

SC DHEC has rejected the portion of the plan designating the covered area. They are designating the entire panhandle of Lancaster County north of the US 521/ SC 5 intersection.

This will greatly expand the area Council has previously designated for MS4 coverage, including the imposition of stormwater fees.

Council must determine whether or not to appeal the determination of SC DHEC. As the letter indicates, waivers are generally not applicable to areas with a population of 10,000 or greater.

### **Funding and Liability Factors:**

Unknown at this time. The MS4 plan will need to be amended to include the much larger area to determine the cost of handling this area.

### **Council Options:**

Accept or appeal the MS4 designation by SC DHEC.

### **Staff Recommendation:**

We have just received the letter and are still studying it. It appears our options to receive a waiver are extremely limited due to the population in the panhandle.

### **Committee Recommendation:**

To be determined.





Catherine E. Heigel, Director

*Promoting and protecting the health of the public and the environment*

April 14, 2016

Jeff Catoe  
Public Works Director  
Lancaster County  
PO Box 1809  
Lancaster, SC 29721

**Re: Designation of a portion of Lancaster County as a Small Municipal Separate Storm Sewer Systems (SMS4) to Authorize Discharges to all Waters of the State under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (SMS4), SCR030000.**

Dear Mr. Catoe,

We at the South Carolina Department of Health and Environmental Control (SCDHEC) appreciate the opportunity to meet with you to review Lancaster County's SMS4 Notice of Intent (NOI).

According to the 2010 U.S. Census, at least five distinct portions of Lancaster County became part of the Charlotte NC – SC Urbanized Area (UA). Based on that classification, SMS4s owned or operated by Lancaster County became automatically designated for regulation under Phase II of the NPDES Storm Water Program for Discharges from SMS4.

In addition, the Department is required to consider, and designate, portions of the SMS4 where it is determined that discharges from the SMS4 result, or have the potential to result, in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

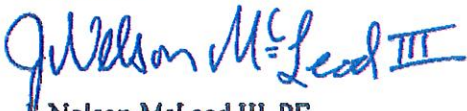
After water quality factors stated above were considered, the South Carolina Department of Health and Environmental Control (SCDHEC) is designating the portion of Lancaster County north of South Carolina Highway 5 as a Regulated Small Municipal Separate Storm Sewer System (SMS4). This area is comprised of TMDL watershed areas (Waxhaw and Twelvemile Creeks), and includes Sugar Creek, listed in the 2014 303(d) list of impaired waters in addition to the 5 portions of Lancaster County included in the Charlotte NC – SC UA as required in South Carolina Water Pollution Control Permits Regulation 61-9 §122.32.

There are waiver provisions from designation for Storm Water Permitting requirements contained in SC R. 61-9 §122.32.(e) & (h). However, these waiver provisions are not applicable to regulated SMS4s with population of 10,000 or more.

Designating the area north of South Carolina Highway 5 as the Lancaster County regulated SMS4 will allow Lancaster County an opportunity to ensure that development in this high growth area occurs in a manner that will meet the County's goals of protecting waters quality. SCDHEC will place a draft certificate of coverage on public notice giving the public an opportunity to comment. A fact sheet supporting the designation of the regulated SMS4 as the area north of South Carolina Highway 5 located in the jurisdiction of Lancaster County will be prepared.

Looking forward to the successful implementation of the NPDES Phase II Municipal Stormwater Program in Lancaster County.

Sincerely,

A handwritten signature in blue ink that reads "Nelson McLeod III". The signature is stylized with a large "N" and "M".

Nelson McLeod III, PE  
Environmental Engineer  
MS4 Program

Attachments.

cc: John Gast, Keck & Wood, Inc, 215 Hampton Street, Suite 100, Rock Hill, South Carolina 29730



## **References**

**SC Water Pollution Control Permits Regulation 61-9 §122.32 Criteria for regulation of a small MS4:**

- (a)(1)** Small MS4 located in urbanized area
- (c)** Waiver requirements
- (f)(1)(i)** Small MS4 located in urbanized area
- (f)(1)(ii)** Total population and population density
- (f)(1)(iii)** Adjacent to and impacting a designated MS4
- (g)(1)(i)** On 303d list of impaired waters
- (g)(1)(iii)** Population growth
- (g)(1)(iv)** Three miles of urbanized area
- (g)(2)(i)** Contributing to violation of water quality standard
- (g)(2)(vi)** MS4 approaches two or more criteria
- (h)** Waivers and phasing

**SC Water Pollution Control Permits Regulation 61-9 §124.10**      **Public notice of permit actions and public comment period**

**List of Impaired 303d**

**[http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl\\_14-303d.pdf](http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl_14-303d.pdf)**

**List of Approved TMDLs**

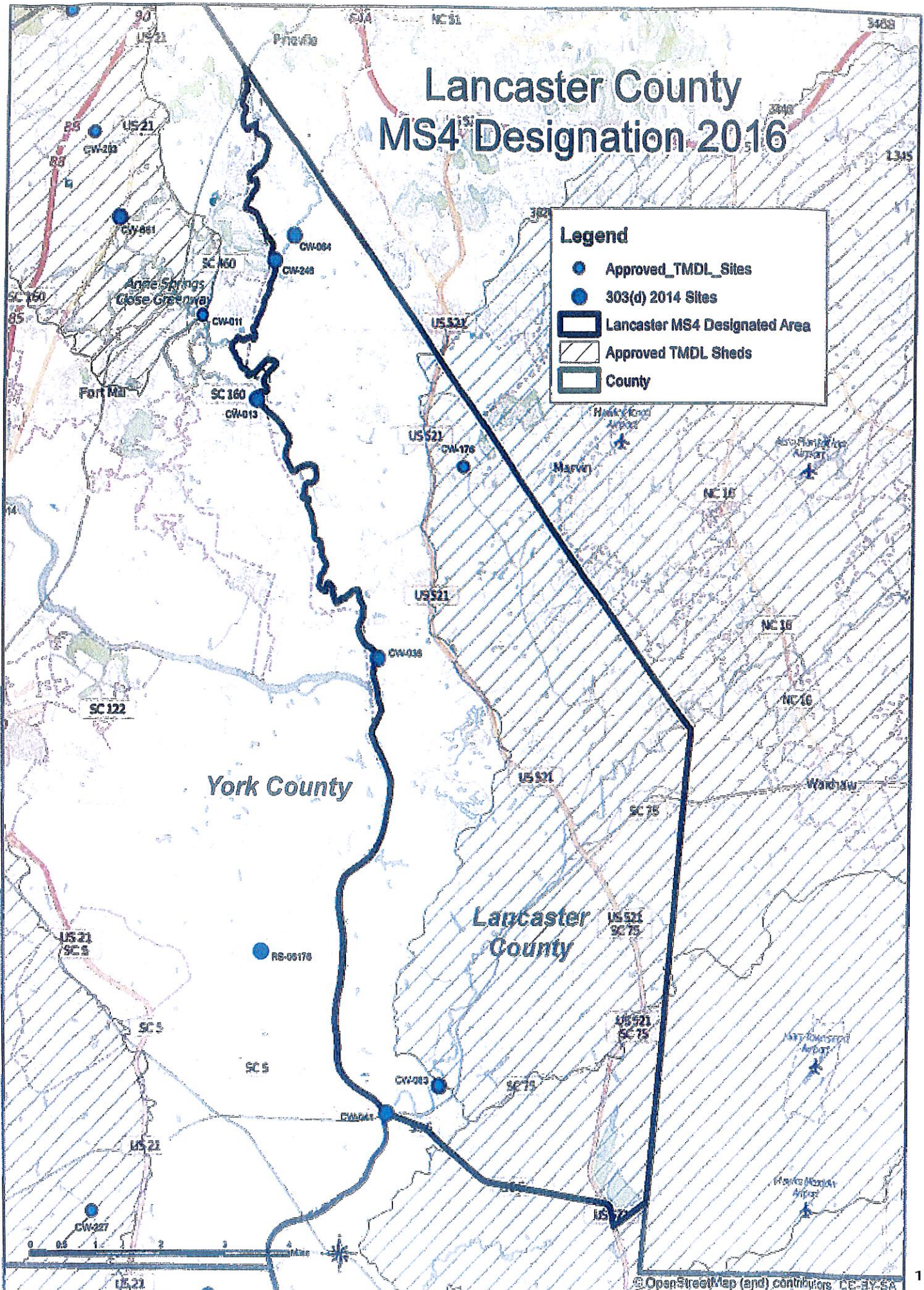
**[http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl\\_08sites.pdf](http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl_08sites.pdf)**



# Lancaster County MS4 Designation 2016

## Legend

- Approved\_TMDL\_Sites
- 303(d) 2014 Sites
- ▭ Lancaster MS4 Designated Area
- ▨ Approved TMDL Sheds
- ▭ County





## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Hal Hiott

Department:

Recreation

Date Requested to be on Agenda:

May 10, 2016

### **Issue for Consideration:**

Pool Update on repairs and new findings. All previous discussed repairs have been made to the pool by Paddock Construction, Inc. and the pool is up and running. However, during Paddock's time at pool conducting repairs, they looked at a few things and discovered major hollow spots in the pool wall/plaster.

### **Points to Consider:**

Per Paddock Construction, the pool plaster will most likely get us through this season, however, we need to start planning to replace the marcite/plaster in pool wall/floor. If we wait too long, the walls will start cracking (which in some places they already have) and pieces of the marcite/plaster will actually start falling off the concrete wall and into the pool, thus shutting us down.

### **Funding and Liability Factors:**

By ordinance, the City and County will split/share all operating and capital repair costs. City Administrator and County Risk Manager came and viewed the areas of concern prior to filling up the pool with water. City Administrator plans to notify City Council and City Finance Committee on pool findings. Paddock Construction was able to give me a ball park figure of anywhere from \$70,000 to \$90,000 to replace the marcite/plaster throughout entire pool. My recommendation would be to budget \$100,000 in the event any other unexpected repairs are necessary.

### **Council Options:**

Begin looking at options to fund this repair next Spring (2017).

### **Recommendation:**

I would recommend both the City and County begin preparations for this major repair.

## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor:

Department: Administration

Date Requested to be on Agenda:

**Issue for Consideration:** Process to close small pocket parks. Will point out Parks on map.

**Points to Consider:** Parks funded with LWCF and PARD funds. Municipal owned parks. Commission recommendations. Turn municipal Parks back over to municipalities and do away with their current funding by ordinance.

**Funding and Liability Factors:** Would save money as maintenance is already stretched to the limit.

**Recommendation:** Start discussions with municipalities as most of these small pocket parks are owned by the municipalities.