

Lancaster County Council Infrastructure and Regulation (I & R) Committee Regular Meeting Agenda

Tuesday, May 22, 2018

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

1. **Call to Order Regular Meeting – Committee Chair Larry Honeycutt** 3:00 p.m.
2. **Approval of the agenda** *[deletions and additions of non-substantive matters]*
3. **Citizens Comments**
4. **Approval of Minutes from the April 10, 2018 I&R Committee regular meeting – pgs. 3-5**
5. **Discussion / Action Items**
 - a. Grant Application during FY 2018-19 for Airport Apron Rehabilitation – addition of Independent Fee Estimate/REILS request – ***Ken Holt/Paul Moses – pg. 6***
 - b. Discussion of UDO – ***Larry Honeycutt/Steve Harper***
 - c. Discussion of the UDO Advisory Committee (UDO Section 9.1.6) – ***Steve Harper – pg. 7***
 - d. Discussion of Temporary Recreational Vehicle (UDO Section 5.12.4F) – ***Steve Harper – pg. 8***
 - e. Discussion of Small Area Plan – ***Penelope Karagounis***
 - f. Expansion of hours for Convenience sites – ***Jeff Catoe – pg. 9***
 - g. Update on the Playground at the Buford Recreation Center – ***Hal Hiott***
 - h. Update on signs for Parks and Recreation: Adding Directional Signs at Recreation Fields and Removal of Signs at municipal locations – ***Steve Willis/Hal Hiott***
 - i. Finalization of proposed project list for Parks and Recreation Bond – ***Steve Willis/Hal Hiott – pg. 10***

- j. Changes for the County Code section dealing with the Parks and Recreation Commission
– *Steve Willis – pgs. 11-17*

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

DRAFT

Minutes of the Lancaster County Council Infrastructure and Regulation (I & R) Committee Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Tuesday, April 10, 2018

Council Members present were Larry Honeycutt, Terry Graham, Billy Mosteller, and Charlene McGriff. Also present were John Weaver, Steve Willis, Sherrie Simpson, Chelsea Gardner, and various department heads and citizens. A quorum of the Lancaster County I & R Committee was present for the meeting.

The following press were notified of the meeting by e-mail 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 posted in the lobby of the County Administration Building and also on the county website for the required length of time.

Call to Order

Committee Chairman Larry Honeycutt called the regular meeting to order at approximately 3:00 p.m.

Approval of the Agenda

Billy Mosteller moved to approve the agenda as written. Seconded by Terry Graham. The approval of the agenda passed by unanimous vote of 3-0.

Citizens Comments

Janine Gross, spoke regarding the animal shelter. She also invited everyone to a luncheon that LASS is hosting. She would hope that at the luncheon an announcement can be made about the progress of the animal shelter and how it is moving forward.

Meta Wasson, spoke regarding the animal shelter and the excitement about the proposals of the new shelter. She was concerned about the size of the new shelter and stated that the new shelter needed to be larger than the shelter now to meet the needs of Lancaster County.

Diane Russell, spoke regarding the animal shelter and her concerns with the amount of runs that have been discussed for the new animal shelter. She hoped that Council would consider at least 60 runs at the new shelter.

Approval of Minutes

Terry Graham moved to approve the minutes from the March 13, 2018 I & R Committee regular meeting. Seconded by Billy Mosteller. The approval of the March 13, 2018 I & R Committee regular meeting minutes passed by unanimous vote of 3-0.

Discussion / Action Items

Discussion of Animal Shelter

Terry Graham made the motion that they take to full Council and discuss the Farmers market for the new animal shelter. Seconded by Billy Mosteller.

Steve Willis, County Administrator stated that the architect has already looked at the farmers market and came to the conclusion that it would not work. He also stated that the architect is looking at property that the County already owns and thinks that it will be a good site for the new animal shelter.

Committee Chairman would like for the architect to come and meet with the committee or full Council and inform them about the process and the 6 acres that is being looked at, at the moment for the new animal shelter.

Jeff Catoe, Public Works Director stated that the farmers market was one of the first properties that the architect looked at and came to the conclusion that the farmers market would not work.

Nicholas Miller, Procurement Director stated that the architect understands the needs of the animal shelter as well as its futures needs and is are working as quickly as they can. They are making sure that they plan appropriately and correctly for the new animal shelter which takes time and everything is done the right way.

Committee Chairman asked if they can get a run down at the next Council meeting on where everything stands with the new animal shelter process. Committee Chairman stated that new information regarding the new animal shelter go to full Council and inform them with what is going on and where they are in the process of building the new animal shelter.

Discussion of Garage

Billy Mosteller made the statement that he would like for the architect to go back to the original plan with adding on to the front of the building and remodeling the back of the building. They would like the architect to draw up some plans to see what they have in mind for the existing garage and make it a very nice building.

Terry Graham made the motion to table this discussion item until the next meeting. Seconded by Billy Mosteller. Passed 3-0.

TDON Development- Twelve Mile Creek Road

John Weaver, County Attorney, stated that the reason that Twelve Mile Creek Road was closed by a Judge's ruling was because everyone involved agreed that a new road would be cut by signing a lengthy agreement. The County agreed to that based upon the signatures of everyone involved. Now twelve mile creek road is closed. There is one property owner that will not sign the deed to the property and, all he would only be signing an easement. The new Twelve mile creek road is going to be paved. There is a benefit for everyone involved for the placement of this new road as well as it being paved.

Terry Graham authorize Attorney John Weaver to write a certified letter which will include the process of condemning the property and send it to the one property that will not sign as promised in the agreement that was signed in the past. Seconded by Billy Mosteller. Passed 3-0.

Adjournment

Billy Mosteller moved to adjourn the meeting. Seconded by Terry Graham. The motion to adjourn passed by unanimous vote of 3-0.

Respectfully Submitted:

Approved by the I & R Committee

Chelsea Gardner
Deputy Clerk to Council

Larry Honeycutt, Chairman

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item
Contact Person / Sponsor:	Paul Moses/ Ken Holt (engineer)
Department:	Airport
Date Requested to be on Agenda:	May I&R Committee/ May Administration Committee

Issue for Consideration:

Grant application during FY 2018-19 for Airport Apron Rehabilitation.

Points to Consider:

The grant would cover rehabilitation of the Airport Apron. Costs are discussed below.

The FAA has a new requirement for grants above \$100,000. We now must obtain an Independent Fee Estimate for the project. This is a third party review to make sure the engineering costs and estimates are within reason. Mr. Holt has provided Procurement Official Nicholas Miller with potential vendors.

The project would enhance the use of the Airport. Mr. Holt will be present at I&R to discuss project specifics.

Funding and Liability Factors:

Current cost estimates for project – FAA share (90%) \$122,846/ SC Aeronautics share (5%) \$6,825/ Lancaster County share (5%) \$6,825. Total project budget is \$136,496.

The cost estimate to obtain the Independent Fee Estimate is \$3,000 to \$5,000.

Council Options:

At the appropriate time to either approve or reject the FAA grant.

Staff Recommendation:

Proceed with the FAA grant process.

Committee Recommendation:

To be determined.

3. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the remainder of the unexpired term by the body making the original appointment.
4. All members of the Board shall have equal rights, privileges, and duties in all matters, regardless of whether the matters arise within the County or within the extraterritorial area.
5. All members shall serve 4 year terms and may succeed themselves but may not serve more than 2 consecutive full terms.
6. Membership terms shall continue to be staggered so that the Board will always be served by experienced members.
7. Officers shall be elected in accordance with the adopted rules of procedure.

9.1.6 UDO ADVISORY COMMITTEE

A. POWERS AND DUTIES

The Lancaster County UDO Advisory Committee shall have the following powers and duties to be carried out in accordance with the terms of this ordinance:

1. To review the UDO on an annual basis to discuss and consider any necessary amendments for a more efficient and effective ordinance.
2. To make recommendations to the Planning Commission on amendments that have a demonstrated public benefit and are constant with the Comprehensive Plan.
3. To make amendment recommendations that reflect consistency throughout the UDO with references and definitions.

B. MEMBERSHIP

The UDO Advisory Committee shall be chaired by the Planning Department Director (or designee) and shall consist of two members of County Council, two members of the Planning Commission, the Building Official, the Zoning Official, the Fire Marshal, the Public Works Director and three residents of Lancaster County.

9.1.7 STORMWATER ADVISORY COUNCIL

A. POWERS AND DUTIES

The Lancaster County Stormwater Advisory Council shall have the following powers and duties to be carried out in accordance with terms of this ordinance:

1. To provide input and guidance on the Lancaster County Stormwater Management Plan.
2. To review and consider annual performance measures and practices.

B. MEMBERSHIP

The Lancaster County Stormwater Advisory Council shall consist of seven members representing residents knowledgeable in stormwater and erosion control. The Public Works Director shall serve as staff support for the Stormwater Advisory Council. The Council shall consist of the Public Works Director, the Planning Department Director, the Zoning Official, the County Engineer, and 3 Lancaster County residents.

9.1.8 MEETINGS AND GENERAL PROCEDURES

A. ALL MEETINGS TO BE OPEN

All meetings of bodies under this ordinance shall be open to the public in accordance with SC Freedom of Information Act and shall be conducted in accordance with the procedures set forth in the South Carolina Code of Laws, Title 30, Public Records, Chapter 4, as amended.

F. Temporary Recreational Vehicle or Travel Trailer

1. This use is for a single temporary recreational vehicle or travel trailer (RV) located on a residential site during construction/rehabilitation of the principal building when occupied by owners of the site. This is an administratively-issued Temporary Use Permit.
2. An active building permit for the principal building on the property is a prerequisite for a permit to conduct this temporary use. Progress towards completion of the project is essential in order to continue to hold this permit, and lack thereof over a period of 3 months or more shall be sufficient grounds for revocation of this temporary use permit.
3. The RV may be used for dwelling purposes including, but not limited to, sleeping and major cooking activities.
4. The initial permit shall cover one year (unless revoked for reasons stated above). A one-year extension may be authorized by the Administrator when circumstances merit same.
5. The RV shall be located completely on private property and shall not impede access by emergency vehicles to the property or any adjoining properties.
6. The RV shall be occupied by the owner of record of the property on which it is located.
7. Use of public utilities and disposal of waste generated by the RV shall comply with all applicable County ordinances and policies.

5.12.5 TEMPORARY USES NOT LISTED

If a Temporary Use Permit is sought for a use other than a specific use listed in the table above, the Administrator shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this section. If the Administrator determines that a materially similar use does exist, the regulations governing the similar use shall apply to the particular use not listed. The Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in Chapter 9.

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Jeff Catoe

Committee: I&R

Department: Public Services

Date Requested to be on Agenda: May 22, 2018

Issue for Consideration:

Information on Recycling center hours

Points to Consider:

Information presented to incorporate hours for some Tuesday hours for the recycling centers. Most complaints have come from no centers being open from Tuesday until 1:00 PM on Thursdays. This proposal will have a total of 5 sites open half days on Tuesdays, beginning Tuesday, July 3, 2018. Sites and schedule as follows:

Indian Land- 8:00 AM - 1:00 PM

Racetrack- 1:00 PM – 6:00 PM

Erwin Farm- 8:00 AM – 1:00 PM

Rich Hill- 1:00 PM – 6:00 PM

Kershaw- 8:00 AM – 1:00 PM

Funding and Liability Factors:

No real change in funding as this should be offset by closing sites at 6:00 PM year round.

Council Options:

Information only

Recommendation:

None

Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Steve Willis/ Hal Hiott
Department:	Administration/ Parks and Recreation
Date Requested to be on Agenda:	May Administration Committee/ May I&R Committee

Issue for Consideration:

Finalization of proposed project list for Parks and Recreation Bond. I need to finalize the list so that John can craft the necessary ordinance for Council's consideration in June.

Points to Consider:

This would be a bond referendum for voter consideration. It would fund a number of Parks and Recreation type projects.

Because this would be a voter approved bond this amount would not count against our bonded indebtedness.

Funding and Liability Factors:

The total bond would total \$10.8 million in projects. John, working with our bond attorneys at McNair, would finalize the amount to include bond issuance costs. It is anticipated this bond would create 2.25 mils in debt service millage, or \$9.00 per year on a \$100,000 home.

The projects include:

Indian Land Recreation Center Addition - \$4,500,000
Harrisburg Road Soccer Complex - \$2,500,000
Lindsay Pettus Greenway Phase 1 - \$2,500,000
Barr Street Auditorium Renovations - \$200,000
Heath Springs Soccer Complex - \$1,100,000

Council Options:

At the appropriate time approve or reject the ordinance calling for the referendum.

Staff Recommendation:

Proceed with the ordinance calling for the referendum.

Committee Recommendation:

To be determined.

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	May I&R Committee

Issue for Consideration:

Changes for the County Code section dealing with the Parks and Recreation Commission.

Points to Consider:

When the municipalities withdraw from the Parks and Recreation Commission funding plan we will need to amend the code to reflect their membership. Council had previously discussed retaining advisory members from the municipalities.

We need to discuss the powers and duties of the Recreation Commission. They have far more power than the standard County Board/ Commission since they also handled municipal properties. That will no longer be the case.

I would like to discuss amending their responsibilities and authority to more closely reflect the other County Boards and Commissions. Examples are on the attached pages.

I also included a copy of the Dorchester County ordinance to show what other larger counties have.

Funding and Liability Factors:

N/A

Council Options:

The amount of the County Code that is amended is at the sole discretion of County Council.

Staff Recommendation:

Amend the County Code to reflect the normal County Board duties.

Committee Recommendation:

To be determined.

ARTICLE II. - JOINT RECREATION COMMISSION

(FOR DISCUSSION PURPOSES)

Editor's note— Ord. No. 828, adopted June 4, 2007, amended former Art. II, §§ 24-21—24-31, in its entirety to read as herein set out. Former Art. II pertained to the same subject matter and derived from Ord. No. 243, 7-25-94; Ord. No. 385, 7-31-00.

Cross reference— Authority to establish use regulations for public recreational and park properties, § 24-4.

Sec. 24-21. - Purpose.

The purpose of the commission is to manage, supervise, maintain and control the use of all recreation and park property located in Lancaster County owned by the county, the City of Lancaster, the Town of Heath Springs, and the Town of Kershaw. The commission shall prepare plans for future park and recreation facilities which may be needed to meet the needs of all citizens of the county. The commission shall be responsible for the development and implementation of public recreation programs for all citizens of the county.

This section needs to be amended to reflect the municipalities are no longer part of the Recreation Commission. Also it should be amended to reflect the Commission shall advise Council on needed parks and recreational facilities and advise staff on public recreation programs; not that the Commission is responsible for these activities.

Sec. 24-22. - Composition.

- (a) The joint recreation commission shall be composed of ten (10) members appointed by county council. One (1) member shall be appointed from each of the seven (7) county council districts, upon recommendation of the council member elected from that district. For the seven (7) members appointed from county council districts, the following requirements apply: (i) the member must reside in the district for which the member is appointed, provided, however, upon recommendation of the council member elected from that district and a two-thirds (2/3) vote of the county council members, a person who resides in a district other than the district of the recommending council member may be appointed to the commission; and (ii) at no time may the board have three (3) or more of the seven (7) members appointed by council that reside within the same council district.
- (b) Lancaster City Council will nominate two (2) members. The Towns of Kershaw and Heath Springs will alternately nominate one (1) member. The nominated members shall be formally appointed by county council.
- (c)
 - (1) The term of office for all commission members is four (4) years. All terms end on June 30. A person who has served two (2) consecutive terms on the commission is ineligible for appointment for an additional term unless a period of at least two (2) years has elapsed since the expiration of the person's last term; provided, however, upon a two-thirds (2/3) vote of the council members of the appointing governing body, a person may be reappointed to the commission notwithstanding the term limitation. Time served in filling a vacancy is not included in the term limitation. Members serve until their successors are appointed and qualified. Vacancies must be filled for the unexpired term in the same manner as the original appointment.
 - (2) A member of the commission who misses three consecutive meetings of the commission during any fiscal year or a total of five meetings in any fiscal year vacates the office to which the

member is appointed. The vacancy in the office exists as of the end of the meeting missed by the member that triggers the vacancy and the vacancy shall be filled in the same manner as other vacancies. When a vacancy occurs pursuant to this item, the commission chair or the chief administrative officer of the commission shall notify the clerk to council in writing as soon as possible.

- (3) Members of the board serve at the pleasure of county council.
- (4) A person who is a coach for a team playing in a program of the parks and recreation department is ineligible for service on the commission.
- (5) Members of the commission are prohibited from applying for employment with the parks and recreation department.
- (d) All members serve without compensation, but may be reimbursed for actual expenses and mileage pursuant to county policy after approval by the commission chair and the county administrator.
- (e) Within one (1) year of the member's appointment and at such other times as may be required by county council, the member shall attend a training session provided by the county on the topics of fiduciary duties, county fiscal and personnel policies, and other responsibilities and duties of a commission member.

This section needs to be amended so that the Commission is comprised of seven (7) members who are appointed by County Council in the usual fashion as all other Boards/ Commissions. If Council desires to have municipal advisory members they would be included.

Sec. 24-23. - Meetings; vacancies. **(DELETE)**

(Ord. No. 828, 6-4-07; Ord. No. 998, § 8.B, 4-26-10)

Sec. 24-24. - Duties.

- (a) The commission shall perform the following functions:
 - (1) Make bylaws for the management and regulation of its affairs.
 - (2) Acquire land and facilities by gift or purchase, provided title to the acquired property be held by the governments where the property is located.
 - (3) Expend monies which it shall receive within budgeted amounts and subject to the final controls herein contained.
 - (4) Acquire and operate any apparatus or equipment useful in the accomplishment of its duties.
 - (5) Prescribe rules and regulations governing the use of public recreation and park properties, facilities, and/or programs operated by the commission. Any violations of rules and regulations that may be established by said commission will be declared unlawful and any person violating the provisions of said rules and regulations shall be punished as provided for in section 24-5 of said Code of Laws of Lancaster County.
 - (6) Fix rates and charges for the use of any facility or program operated by the commission.
 - (7) Make contracts and execute instruments that are necessary or convenient for the discharge of the function of the commission including agreements with independent recreation program and entities for use of nongovernmental facilities. The commission is authorized to apply for and accept funds from the federal government, state government, and other nongovernment sources which may be available for the accomplishment of programs consistent with the objectives of this article. However, the commission shall not be authorized to commit either

governmental entity to any contractual responsibility which might be required by the acceptance of federal, state or nongovernmental funds or which involve the leasing of nongovernmental facilities without first receiving approval from county council.

(8) *Reserved.*

(9) Operate, manage, maintain, supervise, and control the county's farmers' market.

(b) Employees of the parks and recreation department are county employees for purposes of employment and discipline. The director of the parks and recreation department shall be appointed by the county administrator. The director is responsible for the prompt and faithful execution of programmatic directives from the joint recreation commission.

This section needs to be amended as follows: (1) Bylaws are subject to approval by County Council; (2) County Council acquires land pursuant to County Code requirements; (3) staff expends funds provided by Council through the normal budgetary process; (4) staff acquires and operates equipment; (5) regulations from the Commission are subject to Council approval and only Council may make activities unlawful; (6) rates and charges are subject to Council approval through the budget process; (7) the Commission needs to have authority to work with SC PRT and related agencies but executing contracts, accepting funds, etc. needs to follow normal approval processes; (8) to be deleted; and (9) Recreation staff operates the farmer's market.

Sec. 24-25. - Records and reports.

(a) The commission shall maintain records of its meetings and shall forward copies of the minutes of each meeting to the respective councils within thirty (30) days of each meeting. The minutes shall reflect the date of meeting, the members present, and the business considered and decided. The commission is a public body within the meaning of Section 30-4-10 et. seq. of the Code of Laws of South Carolina of 1976, as amended, also known as the Freedom of Information Act, hereinafter the Act, and as such is required to give public notice of its meetings and agendas and to attempt to notify the press thereof as required by the Act. Meetings may be closed only in accordance with statutory procedures in the Act.

(b) The commission shall report annually to the respective council or at such other times as requested, concerning the activities of the commission. Each respective council shall designate the time for the annual report. Such report shall include a financial report and any such other information reasonably necessary for the information of the councils.

This section needs to be amended to be the same as other Boards/ Commissions on required reports.

Sec. 24-26. - Financial controls, audit.

(a) Annually, at the time designated by the county council, the commission shall submit to the county council an operating budget for the ensuing fiscal year adequate to fund the operation and programs of the commission.

(b) The expenditure of any funds by the commission is subject to the purchasing rules and financial procedures of the county as adopted by the county council. The director of the parks and recreation department shall serve as liaison with the offices of the county administrator, county finance director, Lancaster city administrator, Lancaster city finance officer, mayor of Heath Springs, and mayor of Kershaw to ensure compliance with these rules and procedures.

- (c) The county shall include the commission in the annual independent audit of the financial records of the county.
- (d) *Reserved.*

This section needs to be studied by our External Auditor since it is no longer an independent group with municipal governance as well as County Council.

Sec. 24-27. - Inventory.

The commission shall inventory all equipment, furnishings and facilities owned, operated, leased or used by the commission. The inventory shall clearly identify each item. The commission shall clearly mark for identification all county-owned, city-owned or independently owned equipment. The commission shall furnish a copy of the inventory to the respective councils.

Municipal property will no longer be a responsibility. County property will follow normal processes.

Sec. 24-28. - Municipal participation. **(DELETE)**

- (a) The City of Lancaster shall annually appropriate an amount of less than ninety seven thousand, seven hundred seventy eight dollars (\$97,778.00). The Town of Kershaw shall annually appropriate an amount not less than five thousand three hundred twenty five dollars (\$5,325.00). The Town of Heath Springs shall annually appropriate an amount not less than four thousand dollars (\$4,000.00). All the municipal appropriations shall be divided equally, one-half ($\frac{1}{2}$) of the appropriations to be used as a contingency fund to provide for unanticipated capital and operational needs of the commission during the budget year. Monies from the contingency fund shall be used only after approval by county council. The remainder of the municipal appropriations shall be placed in a replacement fund which shall be used to replace equipment, vehicles, and other durable items used by the commission. Any excess funds in the replacement fund may be transferred to the development fund by the commission. Any funds remaining in the contingency fund at the end of each fiscal year shall be placed in the development fund. The development fund shall be used for development of new recreational facilities using the priority as assigned by the twenty-year study of recreational needs in Lancaster County prepared by Catawba Regional Planning Council dated April, 1980, as a general plan, subject to amendment by the commission. The priority list in the study includes both county and municipal facilities.
- (b) The express intention of the respective council in providing this method of municipal participation is to encourage additional funding for recreation. The municipalities shall not reduce their respective levels of participation in operational recreational fund below the levels herein stated of each respective annual budget. The municipal participation constitutes reimbursement to the county for the provision of administrative and maintenance services to the municipal parks. Municipal appropriations shall be paid to the county in quarterly installments in advance. Annual appropriation of funds pursuant to this article by the respective municipalities shall constitute a commitment by the municipality to participate and fund for each respective fiscal year.

(Ord. No. 828, 6-4-07)

Sec. 24-29. - Capital budget. **(DELETE)**

- (a) The commission shall once annually at time of preparation of the operating budget separately budget all capital improvements which in the judgment of the commission need to be performed. Capital improvement is hereby defined as an addition to or total replacement of structures, walls, fences and fixtures. In addition, any item, the cost of repair or replacement of which exceeds two

thousand dollars (\$2,000.00), is deemed a capital expense except for unanticipated needs as defined in the city participation section of this article which may exceed two thousand dollars (\$2,000.00). Requests for capital improvements from agencies with facilities not owned by the county or city will be considered on a case by case basis by each governmental agency. The commission shall designate whether the improvement is for city-owned, county-owned parks or an independently-owned facility. The commission shall annually, at the time of presentation of its operating budget, present its recommendations concerning the capital improvement budget to the respective councils. Each council shall review the capital budget as it relates to their respective facilities and the independently-owned facilities and shall determine which items their respective government shall fund. The administrators of each respective government shall, prior to decision by council, make a recommendation to their respective council concerning which items in the judgment of the administrator shall be included. Funding for capital improvements shall be accounted for separately by each government. Capital improvements to parks owned by a city or town shall be made solely at the expense of the respective city or town. Capital improvements to county-owned parks shall be made solely at county expense. Funding for capital improvements by parks owned by independent agencies will be made at the discretion of the respective councils after reviewing requests and receiving the recommendation of the commission. The councils shall only review capital requests which have been first presented to the commission at the time of preparation of the annual capital budget by the commission.

- (b) This section shall not limit, nor prohibit, one governmental entity participating in the joint recreation commission to contract with a second governmental entity participating in the joint recreation commission to be responsible for the capital expense of a park that ordinarily would be the responsibility of the second governmental entity.

(Ord. No. 828, 6-4-07)

Sec. 24-30. - Maintenance. (DELETE)

Maintenance is defined as the services necessary to keep the existing facilities in operating condition including, but not limited to, moving, cleaning, painting, replacing light bulbs, repairing existing facilities (including regular preventive maintenance to prevent deterioration of capital items) and preparation of fields for play (including lining, seeding and reseeding). Maintenance of all city, town, and county-owned facilities is the responsibility of the commission. Requests for maintenance support of independently-owned parks will be considered during review of the commission operating budget by county council and will be accompanied by a commission recommendation.

(Ord. No. 828, 6-4-07)

Sec. 24-31. - Legal counsel.

In the event the commission requires the advice of legal counsel, the commission shall first contact the county attorney. If for any reason the county attorney is unable to represent the commission, the county attorney shall so advise the commission and the council. The council, upon recommendation of the commission, may provide substitute counsel if deemed necessary by council.

(Ord. No. 828, 6-4-07)

Secs. 24-32—24-50. - Reserved.

Dorchester County

Sec. 2-416. - Purposes and objectives.

The purposes and objectives of the county parks and recreation commission shall be as follows:

- (1) To make recommendations to the county council for the implementation of the parks and recreation master plan;
- (2) To promote parks and recreation activities within the county;
- (3) To make recommendations to the county council for the expenditure of funds received by virtue of the referendum conducted on November 2, 2010, authorizing the issuance of the \$5,000,000.00 general obligation bonds for recreation and parks purposes set forth in the referendum; and
- (4) Expenditure of such other monies as appropriated by the county council for parks and recreation purposes.

(Ord. No. 11-03, § VI, 2-7-2011)