

Council Members

- District 1: Terry Graham
- District 2: Charlene McGriff
- District 3: Billy Mosteller, Secretary
- District 4: Larry Honeycutt
- District 5: Steve Harper, Chair
- District 6: Allen Blackmon
- District 7: Brian Carnes, Vice-Chair



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

July 21, 2021

4:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY COUNCIL
COMMITTEE OF THE WHOLE
County Council Chambers, County Administration
Building, 101 North Main Street, Lancaster, SC 29720**

AGENDA

1. **Call to Order - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Brian Carnes**
4. **Approval of Agenda**
[deletion and additions of non-substantive matter]
5. **Citizens Comments**

[Lancaster County Council welcomes comments and input from citizens who may not be able to attend Council meetings in person. Written comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at <https://www.mylancastersc.org/>. Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day before the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]

6. **Discussion and Action Items**
 - a. Potential Upgrade of Culvert Work on Henry Harris Road - Steve Willis/Scott Edgar
 - b. Discussion of Ordinance 2021-1720 regarding Amending the Lancaster County Code of Ordinances Entitled, "Motor Vehicles And Traffic"

Ordinance Title: An Ordinance To Amend Chapter 21 Of The Lancaster County Code Of Ordinances Entitled, "Motor Vehicles And Traffic," To Provide Necessary Updates To The Chapter Governing The Disposition Of Derelict Or Abandoned Vehicles On Public Or Private Property. - *Passed 6-0 at the June 14, 2021 County Council Meeting (Charlene McGriff Absent). Deferred at the June 28, 2021 County Council Meeting. - Steve Willis/John DuBose*
 - c. Discussion of Potential Uses for ARP Funding - Steve Willis

d. Potential Uses for Excess CPST 2 Funds - Steve Willis

7. **Citizen Comments**

[If Council delays until end of meeting]

8. **Adjournment**

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

*Meetings are live streamed and can be found by using the following link:
<https://www.youtube.com/channel/UCgSIMrcYjcYcu1m-e6TV54w>*

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Scott Edgar/Stormwater and Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 7/21/2021

Issue for Consideration:

Allocation of Stormwater funds to upgrade a culvert project on Henry Harris Road.

Points to Consider:

As part of their development agreement Lennar must upgrade to a 28 foot arch pipe bottomless culvert on Henry Harris Road. The 28 foot culvert has been sized to meet current demand.

We would like to upgrade the culvert to become a 42 foot bottomless culvert that could withstand future flooding events without over topping the roadway.

The majority of the upstream portion of this basin is in Union County. North Carolina has different standards for downstream impacts than South Carolina. As Union County continues to build out we are concerned that Henry Harris Road would over-top during heavy rain events.

The upgrade would prevent that.

Funding and Liability Factors:

Attached is the fiscal spreadsheet showing the planned work and the work that would be completed if we upgrade this creek crossing. Lancaster County would be responsible for the additional \$325,500 with Lennar remaining responsible for the original \$1,375,000.

This would upgrade the crossing to a bottomless culvert with precast wing walls.

This would be paid for with fund balance in the Stormwater Fee. This project is within the MS4 area and would certainly benefit the area residents as well as those that utilize Henry Harris Road.

County Engineer Scott Edgar notes the \$325,000 figure is an estimate from an outside vendor and is not a final quote. Until the contractor knows if we are going to enlarge the culvert they are not locking in pricing with the supplier.

Council Options:

If Council is in favor we will bring a Resolution authorizing the project at an August meeting.

Recommendation:

The project has a favorable recommendation from the Stormwater Advisory Board. Both Councilmen Carnes and Graham have been briefed on the project.

ATTACHMENTS:

Description	Upload Date	Type
Budget Data	6/27/2021	Exhibit
Recommendation from Advisory Board	7/1/2021	Exhibit



HOOPAUGH GRADING COMPANY, LLC
 PO Box 7727, Charlotte, NC 28241-7727
 704-588-2284 (ph), 704-588-2666 (fax)

PROPOSAL (CULVERT)

SUBMITTED TO: LENNAR CAROLINAS, LLC
 ATTN: SAM STALLS
 PROJECT NAME: HARRIS MILL
 LOCATION: INDIAN LAND, SC
 HGC JOB # 3500SC

RFC DATE: 6/7/2021

CHANGES DUE TO THE FOLLOWING INFORMATION:
 UPDATED BOTTOMLESS CULVERT PRICING (HENRY HARRIS ROAD) (OPT #1 & OPT #2 PRICING)

DESCRIPTION OF CHANGE ORDER ITEMS					
<i>ADDITION / (DEDUCTION)</i>					
COST CODE		QTY	UNIT	UNIT PRICE	TOTAL
PER PLAN ECOSPAN SYSTEM CULVERT					
	REMOVE & INSTALL NEW ECOSPAN 28' ARCH CULVERT/HW'S	1	LS	\$ 1,375,000.00	\$ 1,375,000.00
TOTAL ECOSPAN SYSTEM					\$ 1,375,000.00
BOTTOMLESS CULVERT-HENRY HARRIS RD-CONCRETE ARCH CULVERT OPT PER UPDATED PLAN USING PRECAST WINGWALLS					
	MOBILIZATION & MANAGEMENT	1	LS	\$ 65,500.00	\$ 65,500.00
	TRAFFIC CONTROL	1	LS	\$ 85,000.00	\$ 85,000.00
	DEMOLITION	1	LS	\$ 100,000.00	\$ 100,000.00
	SHORING (ALLOWANCE)	1	LS	\$ 150,000.00	\$ 150,000.00
	LAYOUT & ASBUILT	1	LS	\$ 10,000.00	\$ 10,000.00
	EROSION/BYPASS PUMPING/SOFT DIGS	1	LS	\$ 125,000.00	\$ 125,000.00
	42' X 11' X 64' CMP BOTTOMLESS ARCH CULVERT	1	LS	\$ 887,000.00	\$ 887,000.00
	FOUNDATIONS (includes prep,install, backfill)	1	LS	\$ 250,000.00	\$ 250,000.00
	EXTEND 36" RCP OVERFLOW PIPE	80	LF	\$ 350.00	\$ 28,000.00
TOTAL CONCRETE W/ PRECAST WINGWALLS OPT					\$ 1,700,500.00

INTEROFFICE MEMORANDUM

TO: STEVE WILLIS, COUNTY ADMINISTRATOR
KIM BELK, DEPUTY ADMINISTRATOR
ROX BURHANS, DIRECTOR DEVELOPMENT SERVICES

FROM: STORMWATER ADVISORY COUNCIL

SUBJECT: HARRIS MILL BRIDGE REPLACEMENT

DATE: JUNE 30, 2021

As part of their development agreement, Lennar will be replacing a 28' wide bottomless culvert on Henry Harris Road to accommodate road widening. The replaced arch pipe will accommodate current demand but does not account for continued land development upstream. The majority of the upstream portion of this 8 square mile basin is in Union County, NC. North Carolina has differing standards for downstream impacts than South Carolina. As the upstream watershed continues to build out, Henry Harris Road will over-top during heavy rain events in future years.

A 2% occurrence 50-year storm (7"/rain/day) will result in water levels rising to within 7" of overtopping Henry Harris Road with the 28' arch bridge culvert.

The question before the board is:

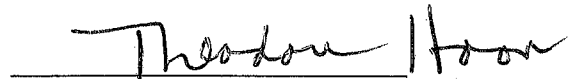
Should Lancaster County enter into a partnership with Lennar to on the Henry Harris Road project to upsize the arch pipe culvert form a 28-foot span to a 42-foot wide arch pipe culvert to minimize future disruptions and improve safety for the traveling public. The life cycle of an infrastructure element like this is typically 50 years.

The Stormwater advisory Council (Recommends/ does not recommend) that Stormwater reserve balance funds be used to pay the difference between a 28' and 42' span culverts on Henry Harris Road at the June 30, 2021 meeting.

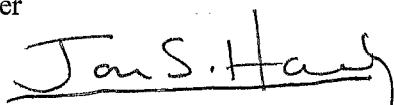
The current estimate is 325,500 for cost differential but encumber \$500,000 to allow for volatile construction costs.



Benjamin Levine- Member



Theodore Hoover - Member


Jon Hardy - Member

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1720

Contact Person / Sponsor: Steve Willis/Administration and John Dubose/County Attorney

Department: Attorney

Date Requested to be on Agenda: 7/21/2021

Issue for Consideration:

A technical and substantive update to the County Code and to clarify that Lancaster County may contract with a private company for derelict vehicle services and to allow for the auction of unclaimed vehicles.

Points to Consider:

Changes include:

- (1) Correcting the reference to the State Code citation; and
- (2) Correcting references from Zoning and Building Official to Zoning Official; and
- (3) Changing the reference to reflect the state now has a Department of Motor Vehicles; and
- (4) Clarifying that Lancaster County may contract with a private company to handle derelict motor vehicles pursuant to this County Code section.
- (5) Adoption of notice provisions from State Code for vehicle towing, the storage lien process, and the judicial auction process.

Funding and Liability Factors:

N/A

Council Options:

Approve or reject the ordinance.

Recommendation:

Approve the ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1720	7/16/2021	Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2021- 1720**

AN ORDINANCE

TO AMEND CHAPTER 21 OF THE LANCASTER COUNTY CODE OF ORDINANCES ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” TO PROVIDE NECESSARY UPDATES TO THE CHAPTER GOVERNING THE DISPOSITION OF DERELICT OR ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

WHEREAS, South Carolina Code Ann. § 4-9-25 confers upon counties the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of the State of South Carolina, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, South Carolina Code Ann. § 56-5-5820 provides, “Abandoned and derelict vehicles constitute a hazard to the health and welfare of the people in the State in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is, therefore, in the public interest that the present accumulation of abandoned and derelict vehicles be eliminated and that the future abandonment of such vehicles be prevented.”; and

WHEREAS, Lancaster County Council wishes to provide for the public health and safety by regulating abandoned and derelict vehicles;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

Section 1. Chapter 21, of the Lancaster County Code of Ordinances is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

ARTICLE I. - IN GENERAL

Sec. 21-1. - Authority.

This chapter is enacted pursuant to South Carolina Code of Laws 1976, Section ~~56-5-5610~~ 56-5-5820, relevant to declaration as public nuisances all abandoned or derelict motor vehicles which provides for the enactment of ordinance for the implementation and enforcement of the powers of the county in regards to public health, safety and welfare, and sanitation. This chapter is enacted to promote the general health, safety, and welfare of the citizens of the county.

(Ord. No. 284, 6-24-96)

Sec. 21-2. - Declaration of public interest.

The accumulation and storage of abandoned and derelict motor vehicles is hereby declared to constitute an undue and unnecessary hazard to the health and welfare of the citizens of the county in that such motor vehicles, when on public streets or thoroughfares, create traffic hazards and, when on private property, tend to reduce property values, invite plundering, fire hazards, harbor noxious diseases, furnish shelter for vermin, present physical dangers to minors and other citizens and constitute an unattractive nuisance. It is, therefore, in the public interest that the accumulation and storage of abandoned and derelict motor vehicles on public streets or thoroughfares or on private property be eliminated and prevented by declaring such a public nuisance, which may be adopted as such, which remedy shall be cumulative and in addition to any other remedies provided by law.

(Ord. No. 284, 6-24-96)

Sec. 21-3. - Exemptions

- (a) The provisions of this article shall not apply to authorized auto salvage yards duly operated and regulated under other county ordinances.
- (b) The provisions of this article shall not apply to vehicles which bear a current "Antique" vehicle license as issued by the South Carolina Department of ~~Highways and Public Motor Vehicles~~.
- (c) Motor vehicles which are in relatively good condition and capable of being moved under their own power and able to pass a vehicle safety inspection, yet do not present current license plates due to ~~owners~~ owner's illness or other reasonable verifiable causes as determined by the ~~building and county~~ zoning official or his designated agent.
- (d) Motor vehicles properly stored within an enclosed building as not to be visible or no more than five (5) motor vehicles properly stored behind an opaque fence or enclosure, as not to

be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back from any street or road right-of-way and maintained free of any unsafe, unsanitary, or unsightly conditions, as determined by the building county zoning official or his designated agent. If such vehicle is not completely enclosed within a structure, it shall be covered by a material specifically designed as a vehicle cover. The cover must be properly maintained free of defects, must cover the entire vehicle, and must be properly secured to prevent removal by wind or other elements.

- (e) Where an authorization has been attained from the ~~building and~~ county zoning department for vehicles for sale, when vehicle is operable yet does not bear a current license plate and not to exceed one hundred twenty (120) days.
- (f) Authentic and verifiable stock race cars, dirt track race cars, drag race cars or other relevant race cars which are being used on a regular basis and able to move under their own power as determined by the ~~building and~~ county zoning official or his designated agent as a true race car.

(Ord. No. 284, 6-24-96)

ARTICLE II. - OFFENSES

Sec. 21-4. - Parking or storage on public streets, thoroughfares or private property – Prohibited.

No person or property owner, or occupant shall park, store or leave, or permit the parking, storage or leaving of any abandoned or derelict motor vehicle(s) as defined in section 21-10, Definitions, upon public or private streets or thoroughfares within the county for a period in excess of forty-eight (48) hours, or on any private property within the county for a period in excess of seven (7) days unless such vehicle(s) located on private property is properly stored pursuant to the requirements set forth in Sec. 21-3(d).~~is located in such a manner as not to be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back from any street or road right of way and maintained free of any unsafe conditions.~~ No derelict or abandoned vehicles may be stored or placed for any length of time on nonresidential properties unless derelict or abandoned vehicles are considered customarily accessory to the use of such property. In addition, no derelict or abandoned vehicles may be stored or placed for any length of time on any vacant lots of land, property zoned as a manufactured home park, or a multifamily district. Enforcement of the provisions of this article may be suspended for a period not exceeding one hundred and twenty (120) days upon approval by the county zoning official or designated agent of the zoning official of a written request by a vehicle owner who is offering of a vehicle for sale, where such vehicle is operable but does not bear a current license tag.

(Ord. No. 284, 6-24-96)

ARTICLE III. - ENFORCEMENT

Sec. 21-5. - Notices, removals and disposal of vehicles.

Lancaster County may contract with any federal, other state, county, or municipal authority or private enterprise for tagging, collection, storage, transportation, disposal, or any other services necessary to prepare derelict or abandoned vehicles for recycling or other means of disposal.

Whenever it shall appear any motor vehicle(s) is abandoned or derelict upon any public street, road or thoroughfare, or private property in violation of the provisions of this chapter, the county ~~building and zoning~~ official, officers of the county sheriff's ~~department~~ office or designated agent of the ~~building~~ county zoning official shall cause a colored tag to be placed on the motor vehicle(s) in violation, and also posted on a structure located on the property, which shall be proper and legal notice to said owner, person in possession of motor vehicle or any lien holder that such motor vehicle in violation is subject to forfeiture to the county. The colored tag shall serve as the only legal notice that if the vehicle is not removed within forty-eight (48) hours from the date and time of the tag when located upon any public or private street, road, or thoroughfare and within seven (7) days from the date and time of the tag when located on private property, it shall become the property of the county, and it will be removed to a designated place to be sold.

(1) ~~If said motor vehicle(s) is determined to be valued at less than one hundred dollars (\$100.00), the colored tag shall so state and serve as the only legal notice required that unless motor vehicle(s) is removed within the time period required, it shall become property of the county, shall be removed and sold for recycling purposes and all proceeds derived from sale deposited into a fund account established for the purpose of administering the provisions of this chapter.~~ Upon the expiration of the appropriate time period as outlined above, the county zoning official, officers of the county sheriff's office, or designated agent of the county zoning official shall cause the vehicle to be towed and stored by a private enterprise pursuant to the established towing procedure of the Lancaster County Sheriff's Office.

(2) ~~If said motor vehicle(s) is valued more than one hundred dollars (\$100.00), the colored tag shall so state and serve as the only legal notice that if said motor vehicle is not removed within the time period required that it will be removed to a designated place to be sold.~~ Within ten (10) days following the towing of the vehicle, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop must provide to the county zoning official, officers of the county sheriff's office, or designated agent of the county zoning official a list describing the vehicles remaining in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop. A person who fails to provide the county zoning official, officers of the county sheriff's office, or designated agent of the zoning official with this list forfeits recovery of any storage fees that have accrued from the date of towing until the day after the mailing of the notification to the owner and all lienholders of record by certified or registered mail, return receipt requested, pursuant to S.C. Code 1976, § 29-15-10.

(3) Within ten (10) days of receipt of this list, the county zoning official, officers of the county sheriff's office, or designated agent of the zoning official will provide to the towing company or storage facility the current owner's name, address, and a record of all lienholders along with the make, model, and identification number or a description of the

vehicle at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop having towed or received the vehicle must notify by registered or certified mail, return receipt requested, the last known registered owner and all lienholders of record that the vehicle has been taken into custody and provide a summary of any fees owed for the towing and storage of the vehicle.

(4) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must provide notice by one (1) publication in one (1) newspaper of general circulation in the Lancaster County area which is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles.

(5) Before a vehicle is sold, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must apply to the appropriate titling facility including, but not limited to, the South Carolina Department of Motor Vehicles or the South Carolina Department of Natural Resources for the name and address of any owner or lienholder. For non-titled vehicles, where the owner's name is known, a search must be conducted through the Secretary of State's office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the secretary of state. If the vehicle has an out-of-state registration, an application must be made to that state's appropriate titling facility. When the vehicle is not titled in this state and does not have a registration from another state, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may apply to an officer of the sheriff's office for determination of the state where the vehicle is registered. The sheriff's office shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the vehicle's identification number. The sheriff's office must supply, at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the name of the state in which the vehicle is titled.

(6) The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop that has towed and stored a vehicle has a lien against the vehicle and may have the vehicle sold at public auction pursuant to S.C. Code 1976, § 29-15-10. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may hold the license tag of any vehicle until all towing and storage costs have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold. Storage costs may be charged that have accrued before the notification of the owner and lienholder, by certified or registered mail, of the location of the vehicle. Notification to the owner and lienholder by the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must occur within five (5) days after receiving the owner's and lienholders' identities from the appropriate law enforcement agency. If the notice is not mailed within this period, storage costs after the five-day period must not be charged until the notice is mailed. If the vehicle is not reclaimed within thirty (30) days after the day the

notice is mailed, return receipt requested, the vehicle is considered abandoned and may be sold by the magistrate pursuant to the procedures set forth in S.C. Code 1976, § 29-15-10.

(7) After the vehicle is in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the owner of the vehicle as demonstrated by providing a certificate of registration has one (1) opportunity to remove from the vehicle any personal property not attached to the vehicle. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must release any personal property that does not belong to the owner of the vehicle to the owner of the personal property.

(8) If an abandoned vehicle has not been reclaimed as provided for in S.C. Code 1976, § 56-5-5630, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may have the abandoned vehicle sold at a public auction pursuant to the provisions set forth in S.C. Code 1976, § 29-15-10. The purchaser of the vehicle shall take title to it free and clear of all liens and claims of ownership, shall receive a magistrate's order of sale, and is entitled to register the purchased vehicle and receive a certificate of title. The order of sale given at the sale must be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in this case no further titling of the vehicle is necessary. The expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to the provisions of S.C. Code 1976, § 29-15-10, must be reimbursed up to the amount of the auction sale price from the sale proceeds of the vehicle. Any remainder of the sale proceeds must be held for the owner of the vehicle or entitled lienholder for ninety (90) days. The magistrate must notify the owner and all lienholders by certified or registered mail, return receipt requested, that the vehicle owner or lienholder has ninety (90) days to claim the proceeds from the sale of the vehicle. If the vehicle proceeds are not collected within ninety (90) days from the day after the notice to the owner and all lienholders is mailed, then the vehicle proceeds must be deposited in the general fund of the county.

~~a. — Once the motor vehicle is removed, the building official, agent or sheriff's department officer shall notify in writing, by registered or certified mail, return receipt requested, any lien holder of record or person in whose name the motor vehicle was last registered at the last address reflected in the South Carolina highway department records, that the motor vehicle(s) is being held, designating the place or location where being held, and that if not redeemed within thirty (30) days from the date of the notice by paying all costs of removal and storage, it shall be disposed of for recycling purposes or for such other purposes as the county may deem advisable to insure the highest possible return from the sale or disposal of. Any and all proceeds shall be placed in a fund escrow established for the purpose of administering this chapter.~~

~~b. — If the value of the motor vehicle is determined to be more than one hundred dollars (\$100.00) and the owner cannot be determined or if registration contains no address of the owner, or if impossible to determine with reasonable certainty the~~

~~identification and address of any lien holders, notice by one (1) publication in a newspaper of general circulation in the area where the motor vehicle was located shall be sufficient to meet all requirements of notice pursuant to this article. The notice of publication may contain multiple listings of motor vehicles. Twenty (20) days after the publication date of the advertised notice, vehicle(s) may be sold or disposed of in a manner to retain highest possible return. Any and all proceeds from sale or disposal shall be placed in a fund escrow established for the primary purpose of administering this article.~~

~~e. — Notices sent out by mail or any newspaper notice published shall contain the following if obtainable: year, make, model and said serial number of the abandoned or derelict motor vehicles.~~

~~d. — All officers referred to in this article may appraise or determine the value of abandoned or derelict vehicle for the purpose of this article.~~

(Ord. No. 284, 6-24-96)

Sec. 21-6. - Right of entry upon public and private property to enforce chapter.

The county ~~building and zoning~~ official, his designated agent or representative, and officers of the county sheriff's ~~department~~ office, are hereby expressly authorized to enter upon public or private property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder or refuse to allow the designated officer to enter upon private property for the purpose of enforcing the provisions of this chapter. None of the designated officers, persons or firms contracted for the removal of or disposal of any such motor vehicle shall be held criminally or civilly liable in any way arising out of or caused by carrying out or enforcing any provision of this chapter unless such parties are guilty of willfulness, wantonness or recklessness. In removing the abandoned or derelict motor vehicles, the enforcing parties or agent will do so without willfully harming or damaging the property on which said abandoned or derelict motor vehicle is situated.

(Ord. No. 284, 6-24-96)

Sec. 21-7. - Tampering with, removing or destroying ~~color~~ colored tags.

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed upon any motor vehicle not in compliance with this chapter. Any person found guilty of this provision shall, upon conviction, be subject to a fine not to exceed five hundred dollars (\$500.00) ~~one hundred dollars (\$100.00)~~ nor less than fifty dollars (\$50.00).

(Ord. No. 284, 6-24-96)

Sec. 21-8. - Failure to comply: misdemeanor.

Any person who fails, neglects or refuses to comply with this chapter, or to abate such nuisance in accordance with the notice issued pursuant to the provisions of sections 21-4 and 21-5 shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars (\$500.00), and shall pay all costs of having such abandoned vehicle removed, stored, and sold as provided in this chapter.

(Ord. No. 284, 6-24-96)

Sec. 21-9. - Penalty.

Any person(s) violating the provisions of this ~~article~~ chapter shall be punishable by a fine and/or imprisonment as provided for in section 1-10 of the Lancaster County Code of Ordinances and shall pay all cost of vehicle removal, storage, and disposal to the extent such cost has not been recovered by the county at the time of conviction and/or imprisonment not to exceed thirty (30) days. Each separate day of violation constitutes a separate offense.

(Ord. No. 284, 6-24-96; Ord. No. 846, 9-10-07)

Sec. 21-10. - Definition.

For the purpose of this chapter:

Motor vehicle means any device by which a person or property may be transported or drawn upon a highway by mechanical means.

Abandoned vehicle means a motor vehicle that is inoperable or left unattended upon public streets or thoroughfares within the county for a period in excess of forty-eight (48) hours, or a motor vehicle that has remained on private or public property (lots) for a period in excess of seven (7) days unless said vehicle(s) located in private property is located in such a manner as not to be visible from any road, street, thoroughfare, or nearby occupied residence and situated a minimum of one hundred (100) feet back of any street or road right-of-way and maintained free of any unsafe, unsanitary, or unsightly conditions.

Derelict vehicle means a motor vehicle:

- (1) Whose certificate of registration has expired and the registration and legal owner no longer resides at the address listed on the last certificate of registration on record; or
- (2) Whose major parts have been removed so as to render the motor vehicle inoperable and incapable of being moved under its own power; or

(3) Manufacturer serial plates, motor vehicle identification numbers, license number plates and/or any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or

(4) Whose registered and legal owner of record disclaims ownership or releases his rights thereto; or

(5) Which is more than seven (7) years old and does not bear a current license plate and incapable of being moved under its own power;

~~(6) Colored tag means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or person in possession of that it has been declared abandoned or derelict motor vehicle and will be treated as such.~~

Colored tag means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or person in possession of that it has been declared abandoned or derelict motor vehicle and will be treated as such.

(Ord. No. 284, 6-24-96)

Sec. 21-11. - Duties; regulations.

The county is vested with the power and is charged with duties of administering the provisions of this chapter. The county may adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.

Section 2. Severability.

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

Section 3. Conflicting Provisions.

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

Section 4. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Approved as to form:

John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 7/21/2021

Issue for Consideration:

I would like to present ideas to see if Council would like to pursue investigating these potential uses.

Points to Consider:

These are just concepts at this point to determine if Council would like to investigate further.

Funding and Liability Factors:

Unknown at this time.

Council Options:

Determine what projects Council may desire to further consider.

Recommendation:

N/A

ATTACHMENTS:

Description	Upload Date	Type
Idea Sheet	7/11/2021	Exhibit

Ideas for Potential Uses for ARP Funding

- Completing installation of glass barriers at customer service counters; similar to what has been installed in the Treasurer's Office, Delinquent Tax Office, Register of Deeds Office, etc. This would include card swipe access control where applicable. We will need to engage a glass contractor to get a firm price but an estimated cost is \$75,000 based on recent projects. I would like permission to move immediately on the Clerk to Council Office as we are preparing to repaint and recarpet for the new Administrator. Section 35.6(b)(1)(x) – protective equipment.
- Evaluation of all County HVAC systems for ability to turnover fresh air. This would include evaluation of internal air disinfection systems similar to what the State House is installing with their funding. Section 35.6(b)(1)(xvi) – improvement of ventilation systems in public facilities. Until we have an evaluation I would hate to hazard a guess on the cost.
- Powered Air Purifying Respirators for EMS and Coroner's Office. These are used in medical settings and provide superior protection compared to regular masks. Section 35.6(b)(1)(x) – acquisition of personal protective equipment.
- Replenishment of Personal Protective Equipment for all public safety agencies. Section 35.6(b)(1)(x) – acquisition of personal protective equipment.
- Acquisition of a medical transport unit capable of handling multiple patients in a secure environment. Section 35.6(b)(1)(vii) – expenses related to medical transportation related to COVID 19.
- Engaging a design professional to plan for an expansion of the Coroner's Office to handle the increased volume due to the pandemic. A potential expansion would include a new morgue with storage for remains and work area, receiving area for remains/ sending to funeral homes, evidence storage, and a family room with window where they could view remains without being in the same room. The existing facility would be remodeled to include additional records storage, equipment storage, office space, etc. Section 35.6(b)(1)(v) – construction and capital investments in public facilities to meet COVID 19 related operational needs.
- Repairs to park facilities due to more frequent use during the pandemic. To be honest, I am not sure what section this would fall under and would need to seek guidance from Treasury but NACo has advised it is an allowable expense.

These are potential uses related strictly to County facilities and departments and will not come close to expending the full funding. Staff will await direction from Council on other areas that are specifically mentioned such as Section 35.6(b)(12)(multiple sections) services to disproportionately impacted communities in Qualified Census Tracts (in Lancaster County HUD has identified 105, 107, and 108 as QCTs) and 35.6(b)(12)(e) investments in infrastructure – specifically water, sewer (including stormwater), and Broadband. Council may also desire to consider assistance to small businesses and tourism among various other authorized uses.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Steve Willis / Administration

Department: Administration

Date Requested to be on Agenda: 7/21/2021

Issue for Consideration:

Initiating discussion of projects that Council may desire to see completed with excess funds from Capital Project Sales Tax #2.

Points to Consider:

Veronica has not yet calculated the estimated excess funds from Capital Project Sales Tax #2. That will likely not happen before this fall.

The Proviso in the state budget passed. It reads:

113.9. *(AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet the requirements of this provision.*

Staff needs to find out what projects, if any, Council may like to see explored in order to develop accurate cost estimates. As noted in the budget proviso, we will also need to prepare an Ordinance for this. We recommend including a Public Hearing on 1st reading.

Funding and Liability Factors:

Jeff Catoe recommends consideration of two road projects that are a high priority and are included in CPST #3. This would in essence give us a head start on that Sales Tax.

Regent Parkway (Harrisburg Road to bridge):

Engineering/Design/Permitting (to meet SCDOT roadway standards)

Minor Storm drainage improvement at traffic light (curb and gutter / asphalt valley)

Possible utility relocation (water main)

12" full depth reclamation with cement modified base

Collector pavement cross section (2" binder 2" surface)

Station grading (ditches, 2' shoulder widening)

Slope stabilization

Striping

CEI

Total estimate: \$741,000

Walnut Creek Parkway (521 to bridge):

Subsurface evaluation in ROW

Possible under drain installation to prevent water infiltration to subgrade from outside ROW (not irrigation related)

Video storm drainage in ROW, repairs if needed

Mill 2-3" of asphalt for reclamation

12" Full depth reclamation with cement modified base

Collector pavement cross section (2" binder, 2" surface)

Striping

CEI

Total estimate: \$648,000

We have also received the attached letter from USC Lancaster regarding sidewalks in that area. Capital Projects Sales Tax #3 provided some funding but not enough to complete the project. The requested funding would complete the project. I w]do need to note that USC Lancaster would be in charge of this project and not county staff. We would simply be the funding source and enter into a sub-recipient agreement.

In addition, Council may desire to allow some funding to roll over to Capital Project Sales Tax #3 to assist with funding for the Detention Center/ Magistrates Court project.

Council Options:

Council is under no obligation to expend any of the excess funds and can simply allow them to roll over to Sales Tax #3. The Proviso simply provided an option for Council to consider. At this point we simply need to know what options Council might like to consider so that we can work up firm cost estimates.

Recommendation:

Open discussions and advise staff of Council's desire.

ATTACHMENTS:

Description	Upload Date	Type
Letter from USC Lancaster	7/11/2021	Exhibit



UNIVERSITY OF
South Carolina
LANCASTER

Office of the Dean

June 25, 2021

Dear County Council Members,

I write to you with a request for funding of \$3, 312, 500 from the excess revenue accumulated through the Capital Project Sales Tax and made accessible with the passage in the South Carolina State Legislature of Proviso 113.9 in support of a pedestrian safety and connectivity project for USC Lancaster. The project was identified as a pedestrian safety and connectivity upgrade through the 2020 update of the USC Lancaster Campus Master Plan. Additionally, working with the South Carolina Department of Transportation, we would like to add surface pedestrian crosswalks across the Highway 9 Bypass at two intersections.

In October 2020, Boudreaux Design of Columbia shared order of magnitude project cost estimates for this project which were approximately \$4, 312,500 and entail the establishment of a network of sidewalks and fencing along the north side of the Bypass between the stoplight at Pizza Hut/Walgreen's and the stoplight at Walmart. More specifically, the project would include +/- 2500 lf of sidewalks connecting back into campus network, grading, landscape, +/- 1500 lf of fencing from current campus brick sign to just east of the Walmart intersection, storm water detention, utility work, site lighting, and signage. Last year, USC Lancaster's \$1, 000, 000 proposal was recommended by the Lancaster County Capital Project Sales Tax Program Review Committee which as you know the public supported in the November general election.

Attached to this request is Boudreaux's conceptional design of the project site showing sidewalk infrastructure, crosswalks, and connectivity improvements. If we could supply any other information or answer any questions, please let us know. Thank you for your longstanding and generous support of USC Lancaster and for your consideration of this request.

Sincerely,



Walter P. Collins, III

