

Council Members

District 7: Brian Carnes - Chair

District 4: Larry Honeycutt

District 3: Billy Mosteller

**County Attorney**

John K. DuBose III

Clerk to Council

Sherrie Simpson

October 15, 2019**5:00 PM****101 North Main Street
Lancaster, SC 29720**

LANCASTER COUNTY**Public Safety Committee****Administration Office Conference Room, County Administration Building, 101 North Main Street, Lancaster, SC 29720****AGENDA**

1. **Call to Order - Committee Chair Brian Carnes**
2. **Approval of the Agenda**
[deletions and additions of non-substantive matters]
3. **Citizens Comments**
4. **Approval of Minutes**
 - a. Approval of Minutes from the September 10, 2019 Public Safety Committee Regular Meeting
5. **Discussion/Action Items**
 - a. 2019 DHEC Grant In Aid (GIA) Grant - Clay Catoe/Steve Willis
 - b. Providing Legal Representation for EMS Staff Court Hearings - Clay Catoe
 - c. Discussion of Business License/ Business Registration/Nuisance Business Ordinances - Steve Willis/John DuBose
 - d. Update on the Fire Study - Darren Player
 - e. Discussion of Detention Center Building Project - Brian Carnes
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 Public Safety Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancaster.org

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Sherrie Simpson/Clerk to Council

Department: County Clerk

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Approve or amend the minutes from the September 10, 2019 Public Safety Committee regular meeting.

Points to Consider:

The minutes from the September 10, 2019 Public Safety Committee regular meeting are attached for the Committee's review and approval.

Funding and Liability Factors:

N/A

Options:

The Committee can approve or amend the minutes.

Recommendation:

Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 9-10-2019 Public Safety Committee Regular Meeting	10/3/2019	Backup Material

Council Members

District 7: Brian Carnes - Chair
District 4: Larry Honeycutt
District 3: Billy Mosteller



County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

September 10, 2019

5:00 PM

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

**LANCASTER COUNTY
Public Safety Committee**

Administration Office Conference Room, County Administration Building, 101 North Main Street, Lancaster, SC 29720

MINUTES

DRAFT

Committee Members present at the Public Safety Committee regular meeting were Brian Carnes, Larry Honeycutt and Billy Mosteller. Also present at the meeting were County Administrator Steve Willis, Deputy County Administrator Alison Alexander, County Attorney John DuBose, Clerk to Council Sherrie Simpson, Fire/Emergency Services Director Darren Player, Probate Judge Dee Studebaker, Coroner Karla Knight and various County staff. A quorum of the Lancaster County Public Safety 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*, 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

Brian Carnes called the regular monthly meeting of the Public Safety Committee to order at approximately 5:00 p.m.

Approval of the Agenda

Larry Honeycutt moved to approve the agenda. The motion was seconded by Billy Mosteller. The Committee approved the agenda by unanimous vote of 3-0.

Citizens Comments

There were no citizens who came forward to speak during Citizens Comments.

Approval of Minutes

Larry Honeycutt moved to approve the minutes from the July 9, 2019 Public Safety Committee regular meeting. The motion was seconded by Billy Mosteller. The Committee approved the July 9, 2019 Public Safety Committee regular meeting minutes by unanimous vote of 3-0.

DRAFT

Discussion/Action Items

a. Indian Land Fee District Budget Amendment - Darren Player/Bill Parker

Steve Willis explained that this item has already been discussed by the Administration Committee and received a positive recommendation. Darren Player explained that, as part of their five year strategic plan, the Indian Land Fire Department wanted to hire additional firefighters so they could have twenty-four (24) hour coverage. He explained that the Indian Land Fire Fee District Board has the money in their budget but that they need to be able to move money around in their budget in order to be able to fund the positions. Darren Player explained that the Indian Land Fire Fee District had turn over in their Board and so the Board missed turning in the request during the budget process. He further noted that the Indian Land Fire Department does not currently have a Fire Chief. Steve Willis noted that Council will be able to approve the budget request via a resolution since they are just transferring money around in their existing budget. Darren Player explained that the money would be coming out of the Indian Land Fire Fee Board's reserves, but he noted that the costs would be recurring costs.

Larry Honeycutt moved to accept the budget request and move the request forward to full Council with a positive recommendation from the Public Safety Committee. The motion was seconded by Billy Mosteller. The motion passed by unanimous vote of 3-0.

b. Request from Solicitor Randy Newman - Steve Willis

Steve Willis explained that this item has already been discussed by the Administration Committee and received a positive recommendation. Steve Willis explained that the Solicitor had requested that the County fund an Assistant Solicitor position that is coming off of grant funding as of September 30, 2019.

After the Committee discussed the importance of the budget process, Larry Honeycutt moved to fund an Assistant Solicitor position for the Solicitor's office. The motion was seconded by Billy Mosteller. The Committee discussed the case back log for the Solicitor's Office. The motion passed by unanimous vote of 3-0.

Adjournment

Larry Honeycutt moved to adjourn the Public Safety Committee regular meeting. The motion was seconded by Billy Mosteller. The motion to adjourn passed by unanimous vote of 3-0. There being no further business, the Public Safety Committee meeting adjourned at approximately 5:13 p.m.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Clay Catoe/EMS and Steve Willis/Administration

Department: Administration

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Notification of receipt of 2019 DHEC GIA (Grant In Aid) Grant.

Points to Consider:

This is an annual formulamatic grant from DHEC. 50% of the funding is divided equally among the counties and 50% is divided based on population.

Plans this year are to offset the cost of sending 4 medics to Paramedic class rather than the usual 2.

Statewide we are not turning out as many Paramedics as we are losing every year. This is making the competition for Paramedics even more important than in the past.

Funding and Liability Factors:

The GIA amount for 2019 is \$10,274.73.

There is a 5.5% local match (\$565.13) which would come from the grant match account.

Options:

Approve or reject the local match.

Recommendation:

Approve the local match.

ATTACHMENTS:

Description	Upload Date	Type
DHEC GIA Letter	9/28/2019	Exhibit



September 16, 2019

Steve Willis
County Administrator
PO Box 1809
Lancaster, SC 29721-1809

Re: FY2019-2020 Grant-in-Aid fund

Dear Mr. Willis:

The South Carolina Department of Health and Environmental Control ("DHEC"), in accordance with section 34.8 of the Part 1B Provisos of the **2019-2020** Appropriations Act, will distribute state appropriated funds among Counties for the purpose of improving and upgrading the Emergency Medical Services system throughout the state. The funds are allocated in accordance with the following methodology or formula: 50% of the funds appropriated will be allocated equally among the 46 counties in SC and the remaining 50% will be allocated based on the proportion of the population in each county. **Lancaster County** allocation for Fiscal Year 2019-2020 is determined to be **\$10,274.73**.

By signing and returning this letter to DHEC, **Lancaster County** agrees that it is entitled to a portion of funds and understands how the money was allocated. The funds will be used in accordance with Proviso 34.8 of the **2019-2020** Appropriations Act and any applicable statutes and regulations.

Section 117.21 in the Miscellaneous Provisions section of the Act requires organizations receiving contributions from DHEC in the Appropriations Act to provide the following documentation by November 1st of the year that the funds are to be received:

1. An accounting of how the state funds will be spent;
2. Goals to be accomplished;
3. Proposed measures to evaluate success in implementing and meeting the goals;
4. A copy of your adopted budget for the current year; and
5. A copy of your organization's most recent operating financial statement.

It is further required, that by **June 30, 2020**, the following shall be provided:

1. An accounting of how the funds were spent;
2. Outcome measures used to determine the success of the stated goals

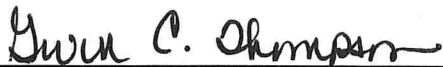
In addition to these requirements, Proviso 34.8 requires local matching funds to be provided by the recipients of the allocations. In order to meet these requirements, we will need the following:

1. Documentation that the receiving party meets the 5.5% matching amount and a description of the local Matching funds.

Disbursement of these funds will take place once this information has been received and processed by DHEC. If the funds are used in any way that is different from what was described in the submission under item #1, please submit a letter stating what was funded differently and how the funds were actually spent with a statement that the funds were spent in a manner appropriate to the requirements of the Proviso.

The above documentation must be sent by mailing paper copies to Mary Neely, Grant in Aid, Bureau of EMS at 2600 Bull Street, Columbia, SC 29201 or by **emailing electronic copies to emsgia@dhec.sc.gov.**

Please contact Mary Neely at (803) 545-4273 or **email at emsgia@dhec.sc.gov** if you have any questions or need further assistance.



Gwen C. Thompson

Interim Director, Health Regulation

I have reviewed the methodology provided by DHEC and I agree both that the method is reasonable, and this is the correct amount using this formula. I agree to provide the required documentation. I am an authorized party of **Lancaster County** to legally commit this organization.

Print Name (Authorized Party)

Signature (Authorized Party)

Date

34.8. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years, and fifty percent may be expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. After January 1st of the current fiscal year, the remaining fifty percent of unexpended funds carried forward shall be transferred to the South Carolina EMS Association to promote and encourage education of emergency medical technicians and directors of emergency medical services; to collect, analyze, and distribute information about emergency medical services; to promote the improvement of patient care; to cooperate with other organizations; and to effect more efficient administration of emergency medical services in the State of South Carolina. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

117.21. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, goals to be accomplished, proposed measures to evaluate success in implementing and meeting the goals, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Clay Catoe/EMS

Department: EMS

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Currently EMS has been assaulted by patients/citizens on numerous occasions over the past year. They are never provided any legal representation while their assailants are or can be represented by a public defender. I think to show support for the assaulted worker, we need to provide some sort of county legal advise/council.

Points to Consider:

Providing the employee a feeling of support and ensuring those who are guilty are prosecuted.

Funding and Liability Factors:

Cost of Lawyer

Options:

Continue with current practice or adopt change.

Recommendation:

Open for discussion

Agenda Item Summary

Ordinance # / Resolution #: N/A

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

Department: Administration

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Chairman Carnes asked for information on Business License/ Business Registration and how to possibly address nuisance businesses.

Points to Consider:

Attached is information on Business Licenses and Business Registrations. Neither is a total solution to addressing a nuisance business.

John DuBose will discuss the concept of potentially drafting a nuisance business ordinance. This will certainly not be ready for review at the meeting and will be a discussion on the concept.

Places like Richland County that have such tie their ordinance into their Business License requirement. John will cover how the combination works far better but it isn't a legal necessity.

A Business License OR a Business Registration could help in areas other than a nuisance business but that is a discussion for another day.

Funding and Liability Factors:

There is no requirement to have such a tool but it would certainly make life easier on our public safety departments.

Options:

Pursue the idea further or table the concept.

Recommendation:

Pursue the concept. I would like to put in a plug for reconsidering a Business Registration as part of this. A Business License would provide much needed funding for additional public safety staff but I know at this point that is not a political possibility.

ATTACHMENTS:

Description	Upload Date	Type
Business License/ Registration Summary	9/28/2019	Exhibit

Business License/ Business Registration

Legal definition of a Business License Tax:

A business license tax is an excise tax levied on the privilege of doing business within a municipality or a county. The value of the privilege extended is measured by the business gross receipts. It does not apply to those who work for wages or salary. It applies only to those in business for themselves. *Hay v. Leonard*, 212 SC 81, 46 S.E. 2d 653 (1948); *Carter v. Linder*, 303 SC 119, 399 S.E.2d 423 (1990).

A business license tax is not a property tax. It is a method of requiring a business or occupation to contribute its share in support of the government “as it regards the profits or advantages of such occupations.” *State v. Hayne*, 4 SC 403 (1873); *Town of Hilton Head v. Kigre, Inc.*, 408 SC 647, 760 S.E. 2d 103 (2014); *Olds v. City of Goose Creek*, 424 SC 240, 818 S.E. 2d 5 (2018). It is not a sales or income tax, although it is measured by gross income.

Statutory authority:

SC Code Sec. 4-9-30(12) authorizes a county to levy uniform license taxes on businesses in the unincorporated area of the county. The statute exempts teachers, ministers, rabbis, telephone, telegraph, gas and electric utilities, other utilities regulated by the Public Service Commission, insurance companies, entities exempt under another law, and a business making loans secured by real estate unless it has a premises located in the unincorporated area of the county. Gross income must be reduced by the amount of income upon which a license for another county or municipality is computed and paid.

Statutory exemptions:

The following businesses are exempt from business license taxes or have limitations on the amount or method of computing the tax pursuant to the cited sections of the SC Code or US Code.

1. Air express and passenger interstate transportation are exempt. 49 USC Sec. 40116(b), Sec. 40102.
2. Alcoholic liquors are exempt. SC Const. Art. 8-A, Sec. 12-33-20.
3. Banks and building loan companies are exempt. Sec. 12-11-30, Sec. 12-13-50.
4. Billiard tables must have state licenses and are subject to special rules. Sec. 12-21-2730 through 2746.
5. Buses, both intrastate and interstate, are exempt. Sec. 58-23-620, Sec. 12-23-220.
6. Carriers — common motor carriers, taxicabs, intrastate passenger and baggage companies holding PSC certificates A and B — are exempt. Others may be licensed only where principal offices are located. Sec. 58-23-620, Sec. 12-23-220.
7. Coin-operated machines must have state licenses and are subject to special rules. Sec. 12-21-2720 – 2728.
8. Credit unions, state and federal, are exempt. Sec. 34-27-300; 12 USC Sec. 1768.

9. Fire insurance premiums are limited to 2 percent. Sec. 38-7-160.
10. Lenders on loans secured by real estate are limited to location of office. Sec. 4-9-30(12); Sec. 5-7-30.
11. Marketing cooperative associations are exempt. Sec. 33-47-120.
12. Mutual benevolent aid associations are exempt. Sec. 38-35-60.
13. Railroads are limited to a maximum fee determined by population. Sec. 12-23-210.
14. Telecommunications providers are subject to limited license rates. Sec. 58-9-2220.
15. Wholesalers not having places of business within a municipality are exempt. Sec. 5-7-30.
16. Workers' compensation insurance premiums are exempt. Sec. 38-7-50.
17. Satellite television service programming transmitted by satellite directly to a subscriber's premises is exempt. Local activities subject to a business license tax include sale, installation and service equipment used for reception and viewing of satellite signals by a subscriber, and distribution of satellite programming from a master antenna by cable to subscribers.

Basis for the tax:

The general statutory basis for levying a business license tax requires it to be measured by gross income. SC Code Sections 4-9-30(12) and 5-7-30 The number of employees, capital invested, net income or losses, and taxable income may not be used to calculate the business license tax. As noted in Part 1, certain businesses are subject to state statutory provisions requiring business license taxes be levied on population, gross premiums or with limitations as to what revenue is included in gross income and limitations on rates.

Abatement of nuisances:

Many business license ordinances authorize revoking a license for a business operated as a public nuisance. The Home Rule Act gives municipal and county councils authority to abate public nuisances. SC Code Sec. 5-7-30; Sec. 4-9-30. However, revoking a license may not result in abatement of the nuisance. Other remedies are available.

Case law requires care in declaring an activity a public nuisance. Solicitors are given powers regarding nuisances, and an attorney should be consulted when it appears appropriate to request use of those powers. See SC Code Sec. 15-43-20:

Whenever a nuisance is kept, maintained or exists, as defined in this chapter, the Attorney General, the solicitor of the judicial district in which such nuisance is kept or any citizen of the State may maintain an action in equity in the name of the State, upon the relation of such Attorney General, solicitor or citizen, to enjoin perpetually such nuisance, the person conducting or maintaining the nuisance and the owner or agent of the building or ground upon which the nuisance exists.

Operating a business constituting a common law nuisance is a criminal offense that is indictable by a grand jury. A leading case in this state on the subject is State v. Turner, 198 SC 487, 18 S.E.2d 372 (1942).

In addition to revocation of the business license for operation of a nuisance, the jurisdiction may wish to consider pursuing either an injunction under SC Code Sec. 15-43-20 or prosecution for operation of a common law nuisance.

Source: Municipal Association of South Carolina Business License Handbook – March 2019

https://www.masc.sc/SiteCollectionDocuments/Finance/Business_License_Handbook.pdf

Business Registration Fee:

SECTION 12-37-135. Countywide business registration; fee.

A county governing body may require a business registration throughout the entire county area and may impose an administrative fee not to exceed fifteen dollars. The fee is an administrative fee and must not be based upon business income. The business registration authorized by this section must be administered and enforced in the same manner as the business license tax described in Section 4-9-30(12), but must not be converted into a business license tax as described in that provision. The business registration administrative fee may be billed on any property tax bill and is deemed to be property tax for the purposes of collection if so billed. This registration, if adopted, is in lieu of any business license which is authorized pursuant to Section 4-9-30(12).

HISTORY: 2005 Act No. 145, Section 45, eff June 7, 2005.

A business registration is a fee (it can be free but cannot exceed \$15 by statute) and not a tax upon the gross proceeds of a business. The fee, at whatever level established, is the same for the largest business to the smallest business.

As with a Business License, enforcement to address a nuisance business will involve a civil lawsuit and not a simple ordinance of Council. The maximum penalty a county or municipality may impose for violations of a Business License or Business Registration ordinance is \$500 and/ or 30 days in jail.

Source: South Carolina State Code of Laws

Other Counties:

Nine counties in South Carolina impose a Business License. They are Beaufort, Charleston, Dorchester, Horry, Jasper, Marion, Orangeburg, Richland, and Sumter.

Three counties impose a Business Registration. They are Aiken, Greenville, and Williamsburg.

Source: South Carolina Association of Counties – October 2018

https://www.sccounties.org/sites/default/files/uploads/services/research/local_taxes/business-license-registration.pdf

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Brian Carnes/Committee Chairman

Department: Emergency Management/Fire Services

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Brian Carnes has asked for an update on the Fire Study.

Points to Consider:

Same as Issue for Consideration.

Funding and Liability Factors:

N/A

Options:

Discussion only.

Recommendation:

Discussion only.

Agenda Item Summary

Ordinance # / Resolution #: N/A

Contact Person / Sponsor: Brian Carnes/Committee Chairman

Department: Administration

Date Requested to be on Agenda: 10/15/2019

Issue for Consideration:

Discussion of moving forward on the Detention Center building project and developing a timeline for the project. Pickens County just completed a new facility that is slightly bigger than the proposed facility in Lancaster County and the Committee should discuss the possibility of taking a tour of that facility.

Points to Consider:

Same as Issue for Consideration.

Funding and Liability Factors:

Discussion only at this point.

Options:

Discussion only at this point.

Recommendation:

Discussion only at this point.