

Council Members

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

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

October 23, 2023

6:00 PM

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

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

MINUTES

Council Members Present: Allen Blackmon (via conference call), Brian Carnes, Steve Harper, Billy Mosteller, Terry Graham, and Jose Luis.

Absent: Charlene McGriff.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Lauren Hill, Deputy Clerk to Council/Administrative Assistant; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Veronica Thompson, Financial Services Division Director; Brian Fulk, Economic Development Director; Dan Ballou, Morton and Getty's Law Firm; the press; various elected officials; various Department Heads; various employees; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The 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 the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Brian Carnes

Brian Carnes led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Terry Graham. A roll call vote was taken. Motion passed 6-0. Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments: None.

The following citizens submitted electronic, written comments for Citizens Comments: None.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **6 a** . [which is the same as Item **a**. listed below]. Seconded by Terry Graham. The Consent Agenda item passed by a vote of 6-0.; Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

a. Approval of Minutes from the October 9, 2023 County Council Regular Meeting

Non-Consent Agenda

Public Hearing and 3rd Reading of Ordinance 2023-1876 regarding Amending the Budget for Fiscal Year 2023-2024 Relating to Additional Revenue, Public Safety Support, and Transfer of Funds

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Jose Luis moved to approve the 3rd Reading of Ordinance 2023-1876. Seconded by Allen Blackmon.

Dennis Marstall presented the Budget Amendment and noted no changes since the 2nd Reading.

Steve Harper opened the Public Hearing for Ordinance 2023-1876 at approximately 6:04 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 43 citizens, including staff members, in attendance during the Public Hearing for this Ordinance. The following speakers came forward to make comments or sent in written comments regarding the Ordinance: None. Steve Harper closed the Public Hearing at approximately 6:04 p.m.

There was no discussion from Council. A roll call vote was taken. The 3rd Reading of Ordinance 2023-1876 Passed by a vote of 6-0. Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

2nd Reading of Ordinance 2023-1878 regarding Authorization for a Fee In Lieu of Tax and Incentive Agreement with Project Lathe

Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement Between Lancaster County, South Carolina And Project Lathe Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; To Express The Intention Of Council To Provide Monies To The Economic Development Fund; And To Provide For Other Matters Related Thereto.

Billy Mosteller moved to approve the 2nd Reading of Ordinance 2023-1878. Seconded by Terry Graham.

There was no discussion from Council. A roll call vote was taken. The 2nd Reading of Ordinance 2023-1878 Passed by a vote of 6-0; Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

1st Reading of Ordinance 2023-1877 regarding Rezoning Property Located at 1662 MacMillan Park Drive from Light Industrial (LI) to Institutional (INS) District to Convert an Existing Structure to a K-12 Private School Facility (Applicants Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 7.286 Acres (TM# 0007-00-008.05) Located At 1662 Macmillan Park Dr, From Light Industrial (LI) District To Institutional (INS) District - *Planning Department Case Number: RZ-2023-1464.*

Allison Hardin presented a rezoning request for a property located in the MacMillan Industrial Park to go from Light Industrial (LI) to Institutional (INS). The Planning Commission and Planning staff recommended denial of the rezoning. Ms. Hardin noted that the restricted covenants in place do not allow a school to be located on this property, and that the restricted covenants have not been lifted. She explained that if the rezoning is approved, the current Fee In Lieu of Tax Agreement for the property would be dissolved. She also noted that the Future Land Use Map in the Comprehensive Plan showed this property as a Special Employment Center, so a Comprehensive Plan amendment would be required if approved. Dan Ballou, an attorney for Morton and Getty's Law Firm, disagreed with the Planning Commission's and Planning staff's rezoning recommendation. Mr. Ballou requested that Council move forward with the 1st Reading and explained that his client would bring forward a Comprehensive Plan amendment prior to the 3rd Reading. He also noted that they were working toward having the property's restrictive covenants nullified.

Brian Cillian provided Council with a letter of support of the rezoning from Unique Loom. A copy of the letter is attached as Schedule A to the written minutes in the Clerk to Council's Office. He stated that he was working on getting additional letters of support from the surrounding businesses located in the Industrial Park (Continental Tire, Nutramax). He noted that if 50% or more of the surrounding businesses are in favor of the rezoning, then the restricted covenant can be changed to allow the use.

Billy Mosteller voiced concerns regarding the hazards found within an Industrial Park. He noted that he was not in favor of the rezoning of this property and would rather the school find a different INS zoned property in Lancaster County. Allen Blackmon requested a list of the surrounding businesses and the type of chemicals that were housed on the properties.

Several Council members spoke in favor of the rezoning but would like to see everything in order before approving the 2nd Reading.

Jose Luis moved to approve the 1st Reading of Ordinance 2023-1877. Seconded by Terry Graham. A roll call vote was taken. The 1st Reading of Ordinance 2023-1877 Passed by a vote of 5-1.; Ayes: Blackmon, Carnes, Harper, Graham, Luis; Nays: Mosteller; Absent: McGriff.

1st Reading of Ordinance 2023-1880 regarding Amending the Fiscal Year 2023-2024 Budget Related to Land Acquisition and Sheriff's Uniforms

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Brian Carnes moved to approve the 1st Reading of Ordinance 2023-1880. Seconded by Terry Graham.

There was no discussion from Council. A roll call vote was taken. 1st Reading of Ordinance 2023-1880 Passed by a vote of 6-0. Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

Discussion and Action Items

There were no Discussion and Action Items listed for Council's Consideration.

Status of items tabled, recommitted, deferred or held

- a. HOLD UNTIL THE 12/11/2023 COUNCIL MEETING TO COINCIDE WITH APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT - 3rd Reading of Ordinance 2023-1869 regarding Rezoning Property Located at 2458 Mineral Mining Road, Kershaw, from Light Industrial (LI) to Agricultural Residential (AR) District (Applicants Charles and Ruth Strunk)
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 6.60 Acres (TM# 0098-00-037.01) Located At 2458 Mineral Mining Road, Kershaw, From Light Industrial (LI) District To Agricultural Residential (AR) District. - ***Planning Department Case Number: RZ-2023-1197. The Planning Commission recommended approval by a vote of 5-2; however, the Planning staff recommended denial of the rezoning request. Passed 7-0 at the September 11, 2023 County Council Meeting. Passed 4-0 at the September 25, 2023 County Council Meeting (Terry Graham, Jose Luis, and Charlene McGriff Absent). - Allison Hardin***
- b. HOLD UNTIL THE 11/15/2023 COMMITTEE OF THE WHOLE MEETING AND THE 12/11/2023 COUNCIL MEETING -1st Reading of Ordinance 2023-1865 regarding Amending the Unified Development Ordinance related to Chapter 2, Section 2.4 District Standards for Medium Density Residential (MDR)
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2 (District Standards), Chapter 5 (Use Regulations), And Chapter 6 (Subdivision And Infrastructure Standards) Relating To The Medium Density Residential (MDR) Zoning District, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0972. The Planning Commission recommended approval by unanimous vote. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole Meeting. - Allison Hardin***
- c. HOLD UNTIL THE 11/15/2023 COMMITTEE OF THE WHOLE MEETING AND THE 12/11/2023 COUNCIL MEETING -1st Reading of Ordinance 2023-1870 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 4, Section 4.4.1 Cluster Subdivision Overlay Standards
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Sections 4.4.1 (Cluster Subdivision Overlay District) On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-0973. The Planning Commission recommended approval by a vote of 5-0. At the September 25, 2023 Council Meeting, the 1st Reading was Postponed until Council could discuss the item at the November 15, 2023 Committee of the Whole Meeting. - Allison Hardin***

There was no discussion regarding the status of any tabled, recommitted, deferred or held items.

Executive Session

Two Items:

1. ***Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the purchase of equipment.***
2. ***Discussion of personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office.***

Steve Harper stated that he needed a motion to go into Executive Session for two items: **(1.)** the receipt of legal

advice subject to attorney-client privilege regarding a potential contractual matter relating to the purchase of equipment and (2.) the discussion of personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office. Staff members from the Fire Service were invited into Executive Session for Item 1. Brian Carnes stated that he so moved. Seconded by Terry Graham. A roll call vote was taken. The motion to go into Executive Session Passed 6-0.; Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff. At approximately 6:37 p.m., Council went into Executive Session.

Items Requiring a Vote Following Executive Session

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:50 p.m. Billy Mosteller moved to come out of Executive Session. Seconded by Brian Carnes. A roll call vote was taken. The motion to come to come out of Executive Session passed by a vote of 6-0.; Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to attorney-client privilege regarding a potential contractual matter relating to the purchase of equipment, and discussed personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office. She stated that, during Executive Session, no motions were made, and no votes were taken.

Jose Luis made a motion that the Vice Chairman be authorized to negotiate an employment contract with Dennis Marstall to serve as Lancaster County Administrator in accordance with the discussions in Executive Session and also provide the County Administrator the same 6.5% cost of living salary increase provided to the rest of County employees. Seconded by Terry Graham. A roll call vote was taken. The motion passed by a vote of 6-0.; Ayes: Blackmon, Carnes, Haper, Mosteller, Graham, Luis; Absent: McGriff.

Adjournment

Jose Luis moved to adjourn the Council meeting. Seconded by Brian Carnes. A roll call vote was taken. The motion to adjourn passed 6-0.; Ayes: Blackmon, Carnes, Harper, Mosteller, Graham, Luis; Absent: McGriff.

There being no further business, the regular meeting of Council adjourned at approximately 7:52 p.m.

Respectfully Submitted:

Approved by Council on November 13, 2023

Lauren Hill

Lauren Hill
Deputy Clerk to Council

A handwritten signature in dark ink, appearing to read "B Mosteller", written over a horizontal line.

Billy Mosteller, Secretary