

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

October 11, 2021

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, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Steve Willis, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; Clay Catoe, EMS Director; Katherine Jones, Parks and Recreation Deputy Director; Kelvin Alexander, Project Manager; Michael Seezen, attorney with Burr Forman; various Department Heads; various staff; the press; 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. Each Council Member took a turn thanking Steve Willis for his service as the County Administrator.

Pledge of Allegiance and Invocation - Council Member Charlene McGriff

Charlene McGriff led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Larry Honeycutt.

Brian Carnes moved to defer the Public Hearing and 1st Reading of Item **8j., Ordinance 2021-1775**, regarding the rezoning of property located at 9596 and 9495 Yarborough Road to the December County Council meeting. Steve Harper noted that the agenda number in the motion was incorrect and John DuBose noted that the correct agenda item was **8k for Ordinance 2021-1775**. Brian Carnes restated the motion and moved to defer the Public Hearing and 1st Reading of Item **8k., Ordinance 2021-1775**, regarding rezoning property located at 9596 and 9495 Yarborough Road to the December County Council meeting. Seconded by Charlene McGriff. The motion to amend Passed 7-0.

Brian Carnes moved to remove the two Executive Session items from the agenda. Seconded by Allen Blackmon. The motion to amend Passed 7-0.

The motion to approve the agenda as amended Passed 7-0.

Special Presentations

There were no Special Presentations held during the meeting.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments:

1. Ned Blackmon, Lancaster, SC, spoke regarding shooting ranges;
2. Kevin Garon asked to speak during the Public Hearing for Ordinance 2021-1776 instead of at Citizens Comments; and
3. William Legge, Lancaster, SC, spoke in opposition to The Exchange project.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.** and **7b.** [as listed in the Agenda packet, which are the same as Item **a.** and Item **b.** listed below]. Seconded by Charlene McGriff. Motion Passed 7-0.

- a. **Approval of Minutes from the September 15, 2021 County Council Committee Of The Whole Meeting**
- b. **Approval of Minutes from the September 27, 2021 County Council Regular Meeting**

Non-Consent Agenda

Resolution 1176-R2021 regarding Reimbursement for the New Detention Center and Magistrates Court Complex

Resolution Title: A Resolution Relating To The Declaration Of Intent By Lancaster County, South Carolina To Reimburse Certain Expenditures Prior To The Issuance By The County Of Its Tax-Exempt Debt

Charlene McGriff moved to approve. Seconded by Brian Carnes. Motion Passed 7-0.

Resolution 1177-R2021 regarding the Establishment of the Proposed Van Wyck Fire Protection District

Resolution Title: A Resolution To Reschedule The Public Hearing Previously Set On The Establishment Of The Van Wyck Fire Protection District; And To Restate In Full The Content Of Resolution No. 1157-R2021 Which Expressed The Intent Of County Council To Establish The Van Wyck Fire Protection District, Provided Funding For The Proposed District Through The Imposition Of Rates And Charges, Empowered The County Council To Issue General Obligation Bonds Of The County For The Proposed District, Provided For The Administration Of The Proposed District, Ordered A Non-Binding Advisory Referendum On The Establishment Of The Proposed District, And Ordered A Public Hearing On The Establishment Of The Proposed District.

Terry Graham moved to approve. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1178-R2021 regarding a Proposed Field for USC-L Baseball Team at the Regional Sports Complex

Resolution Title: A Resolution To Express Lancaster County Council's Desire To Include A Proposed Field For The University of South Carolina Lancaster ("USCL") Baseball Team In The Regional Sports Complex.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Council and Katherine Jones discussed the possibility of revenue sharing with the University of South Carolina at Lancaster if they have a field at the regional park and potential intergovernmental agreements.

Council and staff discussed whether, after the 4th **WHEREAS**, the words "...and construction.." should be removed from the Resolution. It was explained that the sentence would then read, "**WHEREAS**, it is the desire of County Council to pursue design of a potential baseball field suitable for the USCL Lancer's Baseball team." Allen Blackmon moved that those two words be removed from the Resolution. Seconded by Billy Mosteller. The motion to amend Passed 7-0.

The motion to approve Resolution 1178-R2021 as amended Passed 7-0.

3rd Reading of Ordinance 2021-1764 regarding Approving Amendments to the Assessment Roll 2007 Indenture for the Edgewater II Improvement District

Ordinance Title: An Ordinance To Authorize Certain Modifications To The Assessment Roll Relating To The Edgewater II Improvement District And \$9,229,000 Original Principal Amount Edgewater II Improvement District Assessment Revenue Bonds, Series 2007A And \$19,651,000 Original Principal Amount Edgewater II Improvement District Assessment Revenue Bonds, Series 2007B Issued In Connection Therewith; To Provide For The Execution Of A Multi-Party Agreement For Development Of Edgewater II, A Second Supplemental Indenture Thereto And Other Related Documents For The Series 2007A Bonds And The Series 2007B Bonds; And To Provide For Other Matters Relating Thereto

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

John DuBose explained that the corrective action plan with the Department of Health and Environmental Control (DHEC) had not yet been finalized and, therefore, there would not be a vote regarding Edgewater at the meeting. However, he explained that the structure of the deal between the Forfeited Land Commission (FLC), True Homes and the bond holders had been amended. He noted that the amended deal provided that the County/FLC receive \$1809.20 from each of the first 500 lots, which meant that the County would receive the full amount of back taxes in a four and a half year period versus a seven year period. He explained that the new deal meant that the County would recoup the back taxes more quickly but provided that the bond holders would receive extra money on the lake front lots. He addressed the liability concerns for the County and he reviewed attachments 1A and 1B found in the agenda packet.

Steve Matthews, attorney for the FLC, provided an overview of the amended deal structure. He explained that the amended deal was in lieu of a performance bond.

Council and staff discussed the amount of back taxes actually due on the property.

Billy Mosteller moved to defer 3rd reading of Item **8c.**, Ordinance 2021-1764, to the October 25, 2021 County Council meeting. Seconded by Allen Blackmon.

John DuBose addressed whether the motion needed a contingency as to whether the 3rd Reading needed to be deferred until the report from DHEC was in place. After discussion, it was determined that the motion did not need a contingency clause.

The motion to defer Passed 7-0.

3rd Reading of Ordinance 2021-1765 regarding Rezoning Property Located at 2239 McIlwain Road from GB to MDR (Applicant Mark Bridges)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 0.46 Acres Of Property (TMS# 0109-00-086.00), Located At 2239 McIlwain Road, Lancaster, South Carolina, From GB, General Business District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-1666.***

Allen Blackmon recused himself from the discussion and vote on the 3rd Reading of Ordinance 2021-1765. His Statement of Recusal is on file with the minutes in the Clerk to Council's office and is attached to those minutes as Schedule A. He left Chambers at approximately 6:56 p.m.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2021-1765. Seconded by Charlene McGriff. Motion Passed 6-0.; Abstain: Blackmon

Allen Blackmon returned to Chambers at approximately 6:57 p.m. and rejoined the Council meeting.

Public Hearing and 3rd Reading of Ordinance 2021-1766 regarding Cherry Tree and Basware Special Source Revenue Credit

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And Cherry Tree LLC (Basware) Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

Steve Harper opened the Public Hearing for Ordinance 2021-1766 at approximately 6:59 p.m.

Steve Harper noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 16 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 7:00 p.m.

Terry Graham moved to approve. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1771 regarding Rezoning Property Located at 8918 Charlotte Highway, Lancaster, SC, from LI to MX (Applicant Crosland Southeast)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 130 Acres Of Property (TMS# 0010-00-029.00), Located At 8918 Charlotte Highway, Lancaster, South Carolina, From LI, Light Industrial District, To MX, Mixed Use District. - ***Planning Department Case Number: RZ-2021-0664.***

Rox Burhans explained that the project had a minor map change that refined the layout, but that there was no increase or decrease in units for the project.

Allen Blackmon moved to approve. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1772 regarding Approval of a Master Development Plan for "The Exchange" (Applicant Crosland Southeast)

Ordinance Title: An Ordinance To Approve The Master Development Plan Submission Of Crosland Southeast For A Proposed 710-Unit (Townhome/Multi-Family Apartment) And 105,000 Square Foot Nonresidential Development Project Known As "The Exchange" Upon 130 Acres, More Or Less, Currently Zoned Light Industrial District (LI) And Located At 8918 Charlotte Highway, Lancaster, South Carolina (TMS# 0010-00-029.00). - ***Planning Department Case Number: MX-2021-0664.***

Charlene McGriff moved to approve. Seconded by Larry Honeycutt. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1773 regarding Approval of a Development Agreement for "The Exchange" (Applicant Crosland Southeast)

Ordinance Title: An Ordinance To Approve A Development Agreement With Crosland Southeast, For A Proposed 710-Unit (5.5 Dwelling Units Per Acre) Townhome/Multifamily Apartment And 105,000 Square Foot Nonresidential Development Project Known As "The Exchange" Upon Approximately 130 Acres Of Land, Located At 8918 Charlotte Highway, Lancaster, South Carolina, Establishing The Regulations For The Development Of The Property And Other Matters Related Thereto. - ***Planning Department Case Number: DA-2021-0664.***

Charlene McGriff moved to approve. Seconded by Billy Mosteller.

Council and Yates Dunaway from Crosland Southeast discussed the projected number of children in the proposed development and the school impact fee.

John DuBose reviewed the changes to the Development Agreement: (1) the school fee increased to \$750.00; (2) a traffic impact fee payment of \$400,000.00; (3) agreement of a fifty foot setback on Highway 521 to help with any future widening projects; (4) agreement to a dedication of a right of way for a future connector road; and (5) agreement to study whether a signal is needed and agreement to the road signal at the intersection of Possum Hollow and Highway 521, if warranted, once the project was at full capacity.

John DuBose explained that if Council was in agreement with the updated Development Agreement, they would need to make a motion to amend the Ordinance and Development Agreement in the form of the 2nd reading version of the Development Agreement attached to the agenda packet. Charlene McGriff stated that she would make that motion. Seconded by Allen Blackmon. The motion to amend Passed 7-0.

The motion to approve the 2nd Reading of Ordinance 2021-1773 as amended Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1774 regarding Rezoning Property Located at 935 Winston Drive, Lancaster, SC, from GB to MDR (Applicant Howard Strickland, Jr)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 0.36 Acres Of Property (TMS# 0062M-0C-004.00), Located At 935 Winston Drive, Lancaster, South Carolina, From GB, General Business District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-1796.***

Steve Harper recused himself from the discussion and vote on the Public Hearing and 1st Reading of Ordinance 2021-1774. His Statement of Recusal is on file with the minutes in the Clerk to Council's office and is attached to those minutes as Schedule B. He left Chambers at approximately 7:19 p.m. and Vice-Chair Brian Carnes took over as Chair of the meeting in Steve Harper's absence.

Brian Carnes opened the Public Hearing for Ordinance 2021-1774 at approximately 7:20 p.m.

Steve Willis noted that no one signed up to speak at the Public Hearing for Ordinance 2021-1774.

There were approximately 10 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None.

Brian Carnes closed the Public Hearing at approximately 7:20 p.m.

Charlene McGriff moved to approve. Seconded by Allen Blackmon. Motion Passed 6-0.; Abstain: Harper

Steve Harper returned to Chambers at approximately 7:35 p.m. and rejoined the Council meeting and resumed his duties as Chair of the meeting.

Public Hearing and 1st Reading of Ordinance 2021-1775 regarding Rezoning Property Located at 9596 & 9495 Yarborough Road, Fort Mill, SC, from LDR to LI (Applicant Steve Ranshaw on behalf of John Matthews, Inc.)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 4.97 Acres Of Property (TMS#s 0007-00-014.00 And 0007-00-014.02), Located At 9596 And 9495 Yarborough Road, Fort Mill, South Carolina, From LDR, Low Density Residential District, To LI, Light Industrial District. - **Planning Department Case Number: RZ-2021-1679.**

This item was deferred to the December Council meeting during the **Approval of the Agenda.**

Public Hearing and 1st Reading of Ordinance 2021-1776 regarding Rezoning Approximately 23.769 Acres from LDR to MDR (Applicant McCarthy Development Group)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 23.769 Acres Of Property (TMS#s 0003-00-064.00; 0003-00-064.01; 0003-00-065.00; And 0003-00-066.00), Located At 10590 Tillman Steen Road, Indian Land, South Carolina, From LDR, Low Density Residential District, To MDR, Medium Density Residential District. - **Planning Department Case Number: RZ-2021-1361.**

Steve Harper opened the Public Hearing for Ordinance 2021-1776 at approximately 7:44 p.m.

There were approximately 10 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance:

1. Kevin Garon, Indian Land, SC, spoke in opposition to the rezoning project. He explained his concerns regarding the project's density, noise, stormwater issues, traffic problems and the fact that the project would not be paying any school impact fees.

Steve Harper closed the Public Hearing at approximately 7:50 p.m.

Charlene McGriff moved to approve. Seconded by Terry Graham. Motion Failed 0-7.; Nays: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller

Public Hearing and 1st Reading of Ordinance 2021-1777 regarding Approval of a First Amendment to the Development Agreement with Bonterra Builders for The Reserve at Barber Rock

Ordinance Title: An Ordinance To Approve A First Amendment To The Development Agreement Between Bonterra Builders, LLC And Lancaster County For The Reserve At Barber Rock In Order To Remove Approximately 1.017 Acres Of Real Property From The Development Agreement; To Authorize Certain County Officials To Execute And Deliver The First Amendment To The Development Agreement With Bonterra Builders, LLC. - **Planning Department Case Number: DA-2019-0803.**

Steve Harper opened the Public Hearing for Ordinance 2021-1777 at approximately 8:01 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 10 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for the Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:01 p.m.

Charlene McGriff moved to approve. Seconded by Larry Honeycutt. Motion Failed 0-7.; Nays: Blackmon,

Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller

Discussion and Action Items

Request for Motion to Withdraw the Text Amendment Related to Ordinance 2021-1728 - Steve Willis

Charlene McGriff moved to authorize the County Administrator to withdraw the UDO Text Amendment request related to Ordinance 2021-1728 with leave for the incoming County Administrator to re-file a similar request at a later date and at the direction of County Council. Seconded by Larry Honeycutt. Motion Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

Discussion of Potential Uses for the American Rescue Plan (ARP) Funding - Steve Willis

Steve Willis explained that the County was moving forward with the glass barriers. He further explained that the County had a draft application process in place for County Departments and outside agencies to apply for the American Rescue Plan funding. However, he stated that he was going to move forward with the procurement process for two projects: (1) the HVAC system at the County building; and (2) the decontamination shower at the Sheriff's Office and a wall at the front door desk area.

Council and staff discussed whether County Departments should be using the application process.

Status of items tabled, recommitted, deferred or held

- a. DEFERRED - 2nd Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved. - *Planning Department Case Number: UDO-TA-2020-2957. Planning Commission recommended approval by a vote of 5-2. Passed 6-0 at the April 12, 2021 County Council Meeting (Terry Graham Abstained).*

This item was discussed during **Discussion and Action Item, Request for Motion to Withdraw the Text Amendment Related to Ordinance 2021-1728**. Please see that item for the vote on the Motion to Withdraw.

Miscellaneous Reports and Correspondence

Steve Willis reviewed a sixteen page handout regarding the new roofing for the Department of Social Services (DSS) building project and that handout is attached as Schedule C to the written minutes in the Clerk to Council's office.

He also explained that the County was moving back to regular meeting status for COVID beginning with the next meeting.

He also noted that the Clerk of Court would now be setting the docket for the court and, thus, would probably be requesting a docket clerk.

Citizens Comments

All citizens were heard during the Citizens Comments held at the beginning of the Council meeting.

Executive Session

Two Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. Discussion of a Personnel Matter. SC Code 30-4-70(a)(1).

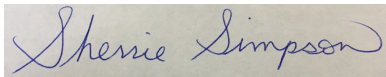
2. Discussion of a Contractual Matter. SC Code 30-4-70(a)(2).

Both Executive Session items were removed from the agenda during the **Approval of the Agenda.**

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Terry Graham. The motion to adjourn Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:29 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on October 25, 2021



Billy Mosteller, Secretary