

**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

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**October 9, 2023**

**6:00 PM**

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

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

**MINUTES**

Council Members Present: Allen Blackmon, 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; Brenda Thompson, Communication and Marketing Director; Veronica Thompson, Financial Services Division Director; Barry Faile, Sheriff; Graham Shuford, Interim Budget Director; Brian Fulk, Economic Development Director; Frannie Heizer, attorney with Burr and Foreman; 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. The meeting was not livestreamed on YouTube due to technical difficulties. An audio recording of the meeting is posted on the County's YouTube channel.

**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 Terry Graham**

Council Member Terry Graham 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 Allen Blackmon. Motion Passed 6-0.; 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:

1. Rashida Roberson, Indian Land, wrote in requesting a shredding event for County residents. A copy of her comments were provided to Council and a physical copy of her written comments are attached as Schedule A to the written minutes in the Clerk to Council's office.

## **Special Presentations**

Presentation of the Sheriff's Association Life Saving Award to Officer Justin Tucker - Sheriff Barry Faile

Sheriff Baile recognized Officer Justin Tucker with the South Carolina Sheriff's Association Life Saving Award. On July 25th, Officer Tucker saved the life of a choking infant by performing the Infant Heimlich Maneuver. The City of Lancaster Police Chief, Don Roper, spoke on behalf of the City of Lancaster Police Department and commended Sheriff Baile and County Council Members for the partnership between the two Law Enforcement Agencies.

Request for the Health and Wellness Commission to Move Forward with a Grant Application - Presentation by Commission Member Robin Dawson and Commission Chair Emily Pierce

The Health and Wellness Commission presented a grant opportunity that would help to address smoking/vaping in Lancaster County schools. This grant would be used to implement evidence-based programs such as educational programs and treatment services. Council members voiced their support and acknowledged that this grant would be beneficial for the students of Lancaster County. The Health and Wellness Commission requested that Council provide a letter of support for this grant opportunity.

Steve Harper asked if Council could amend the agenda so that the Health and Wellness Commission members would not have to wait until the end of the meeting for Council to vote on the authorization for the Commission to move forward with their grant application. Allen Blackmon stated that he needed to recuse himself from the discussion and vote regarding this authorization since his daughter serves on the Commission; however, he remained in Chambers during the presentation and votes. His Statement of Recusal is on file as Schedule B to the written minutes in the Clerk to Council's Office.

Terry Graham made a motion to move agenda item **9b. (Authorization for the Health and Wellness Commission to move forward with the South Carolina Center for Rural and Primary Healthcare Grant Application)** up to Special Presentations, and before the Communications and Marketing Department update. Seconded by Brian Carnes. The motion to move up item **9b.** passed 5-0-1-1. Abstained: Blackmon; Absent: McGriff.

Authorization for the Health and Wellness Commission to move forward with the South Carolina Center for Rural and Primary Healthcare Grant Application - Dennis Marstall

Billy Mosteller moved to provide a letter of support to the Health and Wellness Commission so they could move

forward with their grant application to the South Carolina Center for Rural and Primary Healthcare. Seconded by Jose Luis. The motion to provide a letter of support for the Health and Wellness grant application passed by a vote of 5-0-1-1. Abstained: Blackmon; Absent: McGriff.

#### Communications and Marketing Department Update - Brenda Thompson

Brenda Thompson provided Council with an update on the creation and consolidation of the Communications and Marketing Department, and what the department accomplished in Fiscal Year 2023. Brenda highlighted the department's collaboration with other County departments and acknowledged the increase of social media interactions. The department recently implemented the "Lancaster County Catch-Up", and a portion of the news series was presented. Brenda provided insight on the department's goals for the future. A member of the Civics 101 course, Albert Blackmon of Indian Land, SC, spoke highly of the program and recommended the program to other Lancaster County residents.

#### **Consent Agenda**

Billy Mosteller moved to approved Consent Agenda item **7a.** and **7b.** (which are the same as item **a.** and item **b.** below). Seconded by Brian Carnes. The Consent Agenda was approved by a vote of 6-0. Absent: McGriff

- a. **Approval of Minutes from the September 13, 2023 County Council Committee of the Whole Meeting**
- b. **Approval of Minutes from the September 25, 2023 County Council Regular Meeting**

#### **Non-Consent Agenda**

#### **Public Hearing and 3rd Reading of Ordinance 2023-1874 regarding Approval of the Issuance of Certain Installment Purchase Revenue Bonds**

Ordinance Title: An Ordinance Authorizing Lancaster County, South Carolina, To Enter Into A Base Lease And Conveyance Agreement And An Installment Purchase And Use Agreement Each Between The County And Lancaster County Public Facilities Corporation; Approving The Form And Terms Of A Trust Agreement Between Lancaster County Public Facilities Corporation And Regions Bank, As Trustee, In Connection With The Issuance Of Certain Installment Purchase Revenue Bonds (Lancaster County Project) In One Or More Series; Consenting To The Issuance Of Such Installment Purchase Revenue Bonds; Providing For An Exemption From The County's Procurement Code; Delegating Authority To The Chairman Of County Council And The County Administrator, Or Either Of Them Acting Alone, To Approve And Determine Certain Matters; And Other Matters Relating Thereto.

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2023-1874. Seconded by Brian Carnes.

Dennis Marstall explained the funding mechanism for the new Detention Center and Regional Park. He noted that Frannie Heizer was present at the meeting to answer any questions Council had.

Allen Blackmon voiced his disapproval of how the Installment Purchase Revenue Bonds were handled. He noted that he was in favor of the Detention Center, but the Regional Park should have been done in phases. Jose Luis echoed Allen Blackmon's thoughts and would have preferred the Detention Center and Regional Park to have been separate items on the agenda.

Steve Harper opened the Public Hearing for Ordinance 2023-1874 at approximately 6:44 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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 6:44 p.m.

The 3rd Reading of Ordinance 2023-1874 Passed by a vote of 4-2. Ayes: Carnes, Harper, Mosteller, Graham; Nays: Blackmon, Luis; Absent: McGriff

**Public Hearing and 3rd Reading of Ordinance 2023-1866 regarding Approval of a Fee In Lieu of Tax and Incentive Agreement with EFactor3 LLC And Bendfeldt Holdings LLC (Project E3) Providing for the Payment of a Fee-In-Lieu of Taxes and the Provision of Special Source Revenue Credits**

Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Among Lancaster County, South Carolina, EFactor3 LLC And Bendfeldt Holdings LLC (Companies Formerly Known To The County As Project E3) 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; To Approve A Property Conveyance Agreement Relating To The Conveyance Of Approximately 16.62 Acres Of Real Property Owned By Lancaster County And Located In the Lancaster Business Park To EFactor3 LLC, Bendfeldt Holdings LLC Or An Entity To Be Designated By It; And To Provide For Other Matters Related Thereto.

Jose Luis moved to approve the 3rd Reading of Ordinance 2023-1866. Seconded by Brian Carnes.

Council voiced, and discussed in length, several concerns regarding the conveyance of the property, the FILOT agreement, the creditability of EFactor3, LLC, and the lack of employment opportunities for Lancaster County residents within EFactor3, LLC.

Steve Harper opened the Public Hearing for Ordinance 2023-1866 at approximately 7:07 p.m.

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

There were approximately 15 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 7:07 p.m.

The 3rd Reading of Ordinance 2023-1866 Failed by a vote of 2-4. Ayes: Carnes, Harper; Nays: Blackmon, Mosteller, Graham, Luis; Absent: McGriff

**Resolution 1253-R2023 regarding an Inducement Resolution for Project Lathe**

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Fee Agreement With Project Lathe Including The Provision Of Special Source Revenue Credits; To Provide The General Terms Of The Fee Agreement; And To Provide That This Resolution Is An Inducement Resolution For Purposes Of The Fee In Lieu Of Tax Simplification Act; And To State The Commitment Of Lancaster County To Place Property Owned Or Leased By Project Lathe In A Multi-County Park.

Brian Carnes moved to approve Resolution 1253-R2023. Seconded by Allen Blackmon.

Brian Fulk presented a small business expansion opportunity, Project Lathe, which is a custom steel fabricator that has been in business for over 40 years in Lancaster County. The Economic Development department requested Council's approval of a twenty-year fixed millage Fee in Lieu of Tax agreement with Project Lathe and a 50% Special Source Revenue Credit agreement that would run for five years.

There was no discussion from Council. Resolution 1253-R2023 passed by a vote of 6-0; Absent: McGriff.

**1st 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.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2023-1878. Seconded by Jose Luis.

There was no discussion from Council. The 1st Reading of Ordinance 2023-1878 Passed by a vote of 6-0; Absent: McGriff.

### **Public Hearing and 3rd Reading of Ordinance 2023-1875 regarding Amending the Fiscal Year 2023-2024 Budget Related to Renovations**

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.

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2023-1875. Seconded by Billy Mosteller.

Dennis Marstall explained the budget amendment for the Administration Building renovations. There was no discussion from Council.

Steve Harper opened the Public Hearing for Ordinance 2023-1875 at approximately 7:26 p.m.

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

There were approximately 16 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 7:26 p.m.

The 3rd Reading of Ordinance 2023-1875 Passed by a vote of 5-1. Ayes: Blackmon, Carnes, Harper, Mosteller, Graham; Nays: Luis; Absent: McGriff.

### **3rd Reading of Ordinance 2023-1864 regarding Amending the Unified Development Ordinance Related to Section 6.5 Street Classification and Design**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Sections 4.4.1 (Cluster Subdivision Overlay District), 6.14 (Road Construction Standards), And 10.4 (Definitions), All Pertaining To Street Definition And Design, On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2023-0975*.

Jose Luis moved to approve the 3rd Reading of Ordinance 2023-1864. Seconded by Terry Graham.

Allison Hardin provided an update for the text amendment and reiterated that the owner or developer of the 21st lot in a subdivision would be responsible for paving from the County Road up to the 21st lot. Brian Carnes made a motion to amend the date noted in the Agenda Item Summary to reflect the amendment adoption date. Seconded by Allen Blackmon. Motion approved 6-0; Absent: McGriff.

The 3rd Reading of Ordinance 2023-1864 Passed by a vote of 6-0. Absent: McGriff.

### **2nd 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.

Allen Blackmon moved to approve the 2nd Reading of Ordinance 2023-1876. Seconded by Terry Graham.

Dennis Marstall gave an overview of the budget amendment, and Graham Shuford noted that there were no changes to the Ordinance since the 1st Reading. There was no discussion from Council.

The 2nd Reading of Ordinance 2023-1876 passed by a vote of 6-0.; Absent: McGriff.

**Public Hearing and 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 K-12 Private School Facility. She noted that staff and the Planning Commission recommended denial of this rezoning request for reasons such as an increase of traffic, concerns of the loss of Light Industrial zoned areas in Indian Land, and the proposed property use does not align with the Comprehensive Plan. The applicant, Brian Cillian, spoke on behalf of the private school, and pointed out that a majority of the school's students and teachers would be residents of Lancaster County. Billy Mosteller noted his concerns with the current surrounding businesses in the areas, and potential hazards in proximity to the proposed private school.

Steve Harper opened the Public Hearing for Ordinance 2023-1877 at approximately 7:45 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 16 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 7:45 p.m.

Jose Luis made a motion to postpone a vote on the 1st Reading of Ordinance 2023-1877 until the next regular meeting, which will be held on October 23, 2023. Seconded by Allen Blackmon.

The postponement of the 1st Reading of Ordinance 2023-1877 passed by a vote of 6-0.; Absent: McGriff.

**Discussion and Action Items**

**Appointments to Lancaster County Public Facilities Corporation**

- Brian Endres
- Larry Honeycutt
- Charles Deese

Brian Carnes moved to approve. Seconded by Billy Mosteller. There was no discussion from Council. All of the appointments on the agenda were approved by unanimous vote of 6-0; Absent: McGriff.

**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**

One Item:

***1. 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 the discussion of personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1). Brian Carnes stated that he so moved. Seconded by Jose Luis. The motion to go into Executive Session Passed 6-0.; Absent: McGriff. At approximately 8:06 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 9:57 p.m. Jose Luis moved to come out of Executive Session. Seconded by Billy Mosteller. The motion to come to come out of Executive Session passed by a vote of 6-0.; Absent: McGriff.

Upon returning to open session, Steve Harper noted, for the record, that during Executive Session, Council discussed one (1) item: personnel matters pursuant to South Carolina Code of Laws 30-4-70(a)(1) related to the County Administrator's Office. He stated that, during Executive Session, no motions were made, and no votes were taken.

### **Adjournment**

Jose Luis moved to adjourn the Council meeting. Seconded by Brian Carnes. The motion to adjourn passed 6-0.;  
Absent: McGriff.

There being no further business, the regular meeting of Council adjourned at approximately 9:58 p.m.

Respectfully Submitted:

Approved by Council on October 23, 2023

*Lauren Hill*

Lauren Hill  
Deputy Clerk to Council

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

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Billy Mosteller, Secretary