

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

September 25, 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, Brian Carnes, Steve Harper, and Billy Mosteller.

Absent: Terry Graham, Jose Luis, and 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; Graham Shuford, Interim Budget Director; Brian Fulk, Economic Development Director; Mike Burns, Attorney with Burr Forman; 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 Billy Mosteller

Billy Mosteller led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Dennis Marstall introduced the new Deputy Clerk to Council/Administrative Assistant, Lauren Hill.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Allen Blackmon. Motion Passed 4-0.; Absent: Graham, Luis, 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. Lisa Enfinger, no address listed, wrote in regarding the need for laws to control breeding. 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

Joe Grier, Chair, and Ann Christie, Secretary, provided the annual report from the Historical Commission to Council. They provided this update via a power point presentation that is attached as Schedule B to the written minutes in the Clerk to Council's office. They also provided an updated physical copy of their 2022-2023 Yearly Report to Council, which is attached as Schedule C to the written minutes in the Clerk to Council's office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a**. [which is the same as Item **a**. listed below]. Seconded by Brian Carnes. The Consent Agenda item passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

a. Approval of Minutes from the September 11, 2023 County Council Regular Meeting

Non-Consent Agenda

2nd 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 2nd Reading of Ordinance 2023-1874. Seconded by Brian Carnes.

Dennis Marstall explained that Frannie Heizer of the Burr Forman law firm was available via telephone if Council had any questions. Veronica Thompson explained that there were no changes to the Ordinance for 2nd Reading. She noted that the County was financing a not to exceed amount of seventy-six million dollars for the Detention Center and a not to exceed amount of twenty-six million, seven hundred thirty thousand dollars for the Regional Park. She further noted that Frannie Heizer would be available in person for the 3rd Reading of the Ordinance. There was no discussion from Council.

The 2nd Reading of Ordinance 2023-1874 Passed by a vote of 3-1. Ayes: Carnes, Harper, Mosteller; Nays:

Blackmon; Absent: Graham, Luis, McGriff.

2nd Reading of Ordinance 2023-1866 regarding Approval of a Fee In Lieu of Tax and Incentive Agreement with 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 Between Lancaster County, South Carolina And 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 [] Acres Of Real Property Owned By Lancaster County And Located In [] To Project E3 Or An Entity To Be Designated By It; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2023-1866. Seconded by Billy Mosteller.

Brian Fulk reviewed the project with Council and noted the two changes since the 1st Reading. The project details can be found on the Agenda Item Summary page in the agenda packet. There was no discussion from Council.

The 2nd Reading of Ordinance 2023-1866 Passed by a vote of 3-1. Ayes: Carnes, Harper, Mosteller; Nays: Blackmon; Absent: Graham, Luis, McGriff.

Public Hearing and 3rd Reading of Ordinance 2023-1873 regarding an Easement for Duke Energy Located on Aviation Boulevard

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located At 286 Aviation Boulevard Bearing Tax Parcel Number 0066-00-027.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance.

Dennis Marstall explained that this Ordinance had no changes since 1st Reading.

Steve Harper opened the Public Hearing for Ordinance 2023-1873 at approximately 6:30 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 6:30 p.m.

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2023-1873. Seconded by Brian Carnes. There was no discussion from Council. The 3rd Reading of Ordinance 2023-1873 Passed by a vote of 3-1. Ayes: Carnes, Harper, Mosteller; Nays: Blackmon; Absent: Graham, Luis, McGriff.

2nd 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 2nd Reading of Ordinance 2023-1875. Seconded by Billy Mosteller.

Dennis Marstall explained the need for the budget amendment and that explanation can be found on the Agenda

Item Summary page of the agenda packet. There was no discussion from Council.

The 2nd Reading of Ordinance 2023-1875 passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

2nd 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.*

Allen Blackmon moved to approve the 2nd Reading of Ordinance 2023-1869. Seconded by Brian Carnes.

Allison Hardin explained that the 3rd Reading of this Ordinance would need to be held until a companion Comprehensive Plan Amendment could be approved at the same time.

The 2nd Reading of Ordinance 2023-1869 passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

2nd 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.*

Brian Carnes moved to approve the 2nd Reading of Ordinance 2023-1864. Seconded by Billy Mosteller.

Allison Hardin provided an update for the text amendment via the County power point presentation and that power point is attached to the written minutes in the Clerk to Council's office. Council and staff discussed the positive and negative aspects of the text amendment and whether the twenty-first person that subdivided a property would be the sole person that had to pay for paving the road. Council and staff further discussed the required length for a cul-de-sac and how that length effected public safety access, that citizens were not allowed to park on a cul-de-sac road, whether the text amendment would be retroactive, and what would happen if the process was abused. Council asked that the word "road" be inserted after the word "Cul-de-sac" for the Ordinance's Exhibit 1, Section 6.14.1(B).

The 2nd Reading of Ordinance 2023-1864 passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

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.*

Allen Blackmon moved to postpone action and send Ordinances 2023-1865 and 2023-1870 to the November Committee of the Whole (COW) meeting for discussion. Seconded by Billy Mosteller.

Council stated that they felt like they needed to have a more in depth discussion of these two text amendments at a Committee of the Whole meeting prior to taking a vote.

The motion to postpone action on Ordinances 2023-1865 and 2023-1870 and move them to the November

Committee of the Whole meeting passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

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.***

Please see the 1st Reading of Ordinance 2023-1865 for the discussion and vote regarding the 1st Reading of Ordinance 2023-1870.

1st 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.

Brian Carnes moved to approve the 1st Reading of Ordinance 2023-1876. Seconded by Allen Blackmon.

Graham Shuford explained that this Ordinance included supplemental revenue coming from the State, a donation for public safety support, and a transfer of funds from Capital Project Sales Tax (CPST) 2 to CPST 3. There was no discussion from Council.

The 1st Reading of Ordinance 2023-1876 passed by a vote of 4-0.; Absent: Graham, Luis, McGriff.

Discussion and Action Items

Approval of Appointments and Reappointments to Various Boards or Commissions

- Hal Crenshaw as the District 2 representative to the Airport Advisory Board to fill a four year term that would expire on 06/30/2027 (2nd Term)
- James Bryant Neal as the District 6 representative to the Board of Assessment Appeals to fill a four year term that would expire on 06/30/2027 (1st Term)
- Marylene Stover as the District 2 representative to the Board of Assessment Appeals to fill a second four year term that would expire on 06/30/2027 (2nd Term)
- Solomon Goldiamond as the District 4 representative to the Board of Assessment Appeals to fill his first four year term that would expire on 06/30/2027 (1st Term)

Brian Carnes moved to approve. Seconded by Allen Blackmon. All of the appointments on the agenda were approved by unanimous vote of 4-0.; Absent: Graham, Luis, McGriff.

Executive Session

Four Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.

3. Receipt of legal advice subject to the attorney-client privilege regarding potential contractual matters related to Economic Development Agreements with Rico Industries, Horton Machine, Nibrol, Cooley Group, and Red Ventures.
4. Receipt of legal advice subject to the attorney-client privilege regarding Boards and Commissions ability to seek funding.

Steve Harper stated that he needed a motion to go into Executive Session for the receipt of legal advice subject to the attorney-client privilege regarding two potential contractual matters relating to land acquisition; the receipt of legal advice subject to the attorney-client privilege regarding potential contractual matters related to Economic Development Agreements with Rico Industries, Horton Machine, Nibrol, Cooley Group and Red Ventures; and the receipt of legal advice subject to the attorney-client privilege regarding Boards and Commissions ability to seek funding. He invited the Economic Development Director into Executive Session for the third item. Allen Blackmon stated that he so moved. Seconded by Billy Mosteller. The motion to go into Executive Session Passed 4-0.; Absent: Graham, Luis, McGriff. At approximately 6:57 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 7:55 p.m. Brian Carnes 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 4-0.; Absent: Graham, Luis, McGriff.

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed four (4) items: (1) receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition; and (2) receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition; (3) receipt of legal advice subject to the attorney-client privilege regarding potential contractual matters related to Economic Development Agreements with Rico Industries, Horton Machine, Nibrol, Cooley Group, and Red Ventures; and (4) receipt of legal advice subject to the attorney-client privilege regarding Boards and Commissions ability to seek funding. She stated that, during Executive Session, no motions were made and no votes were taken.

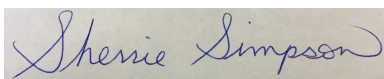
Adjournment

Allen Blackmon moved to adjourn the Council meeting. Seconded by Brian Carnes. The motion to adjourn passed 4-0.; Absent: Graham, Luis, McGriff.

There being no further business, the regular meeting of Council adjourned at approximately 7:57 p.m.

Respectfully Submitted:

Approved by Council on October 9, 2023



Sherrie Simpson
Clerk to Council



Billy Mosteller, Secretary