

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

September 13, 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; Clay Catoe, EMS Director; Jamie Gilbert, Economic Development Director; Michael Seezen, attorney with Burr Forman, via Conference Call; 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 6:06 p.m. The meeting started later than normal due to technical difficulties in Chambers.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the Council 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 Charlene McGriff.

Billy Mosteller moved to amend the agenda to place Non-Consent Items **8i. (Resolution 1173-R2021)** and **8o. (1st Reading of Ordinance 2021-1766)** as the first two Non-Consent Items. Seconded by Brian Carnes. The motion to amend Passed 7-0.

Allen Blackmon moved that Non-Consent agenda Item **8c. (Public Hearing and 2nd Reading of Ordinance 2021-1764)** immediately follow the items that Council already approved. Seconded by Larry Honeycutt. 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 Council meeting.

Citizens Comments

The following citizens signed up and spoke during Citizens Comments:

1. Tindall Yarborough, Lancaster, SC, spoke regarding Item **9f. (Reply from the National Association of Counties on Proposed Homeless Program)**;
2. Libby Sweatt-Lambert, Van Wyck, SC, spoke regarding zoning and noise;
3. Bekah Clawson, Lancaster, SC, spoke regarding the Lancaster Area Coalition for the Homeless (LACH) proposal.
4. Rick Crimminger, Lancaster, SC, spoke regarding Ordinance 2021-1764;
5. Steve Giagiakos, Lancaster, SC, spoke regarding government; and
6. Katie Crosby, Indian Land, SC, spoke regarding the Lancaster Area Coalition for the Homeless (LACH) proposal.

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

Consent Agenda

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

- a. Approval of Minutes from the August 23, 2021 County Council Regular Meeting**
- b. 3rd Reading of Ordinance 2021-1753 regarding Rezoning Property from NB to GB (Applicant Melinda Hoopaugh)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A .8 Acre Tract Of Property (TMS# 0006N-0B-005.01) Located At Fort Mill Highway And Kohut Drive, Lancaster, South Carolina, From NB, Neighborhood Business District, To GB, General Business District - ***Planning Department Case Number: RZ-2021-0961.***

- c. 3rd Reading of Ordinance 2021-1754 regarding Rezoning Property Located at 9839 Kohut**

Drive from MDR to GB (Applicant Melinda Hoopaugh)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 1.0 Acre Tract Of Property (TMS# 0006N-0B-008.00) Located At 9839 Kohut Drive, Lancaster, South Carolina, From MDR, Medium Density Residential District, To GB, General Business District - *Planning Department Case Number: RZ-2021-0962.*

- d. **3rd Reading of Ordinance 2021-1760 regarding Amending the Future Land Use Map and Change the Future Land Use Designation for Two Parcels of Property From Rural Living to Special District - Industrial (Applicant Shaun Williams)**

Ordinance Title: An Ordinance To Approve The Request Of Williams Fabrication And Industrial To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024 To Change The Future Land Use Designation On The Future Land Use Map For Two Parcels Totaling Approximately 7.06 Acres In Size Located At 8921 & Unaddressed Kershaw Camden Highway From Rural Living To Special District-Industrial (TMS # 0159-00-127.00 & 0159-00-121.01). - *Planning Department Case Number: CP-2021-1233.*

- e. **3rd Reading of Ordinance 2021-1759 regarding Rezoning Two Parcels of Property from AR to LI (Applicant Shaun Williams)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Two Parcel Of Property Totaling 7.06 Acres (TMS# 0159-00-127.00 And 0159-00-121.01), Located At 8921 & Unaddressed Kershaw Camden Highway, Kershaw, South Carolina From AR, Agricultural Residential District, To LI, Light Industrial District. - *Planning Department Case Number: RZ-2021-1233.*

- f. **3rd Reading of Ordinance 2021-1763 regarding the Authorization of the Issuance and Sale of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021 (for Fire Apparatus)**

Ordinance Title: Authorizing The Issuance And Sale Of Not Exceeding \$7,250,000 Special Obligation Bonds, Series 2021, Or Such Other Appropriate Series Designation, And The Execution And Delivery Of An Acquisition, Use And Security Agreement In Connection Therewith Or The Execution And Delivery Of A Direct Placement Acquisition, Use And Security Agreement By Lancaster County, South Carolina; Fixing Certain Of The Details Of The Bonds And The Appropriate Agreement; Authorizing The County Administrator To Determine Certain Matters Relating To The Bonds And The Appropriate Agreement; Providing For The Payment Of The Bonds Or Direct Placement Agreement And The Disposition Of The Proceeds Thereof; And Other Matters Relating Thereto.

Non-Consent Agenda

Resolution 1173-R2021 regarding Establishment of the Generating Opportunities for Land Development (GOLD Program)

Resolution Title: A Resolution To Initiate The Process For Providing Funds For Economic Development In The County Through The Creation And Funding Of The Generating Opportunities For Land Development (GOLD) Program.

Charlene McGriff moved to approve Resolution 1173-R2021. Seconded by Billy Mosteller. Motion Passed 7-0.

1st 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.

Brian Carnes moved to approve the 1st Reading of Ordinance 2021-1766. Seconded by Allen Blackmon. Motion

Passed 7-0.

Public Hearing and 2nd 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

John DuBose gave a brief history of the bonds for the Edgewater II Improvement District and explained the current proposal, including the open component of possible remediation with the Department of Health and Environmental Control (DHEC).

John DuBose, Michael Seezen *[via Conference Call]*, Steve Matthews, the attorney for the Forfeited Land Commission, and Council discussed the need to obtain a spreadsheet of the revenue for the bond holders, the payment amounts for the bond holders in the past and in the future, the delinquent taxes for the property, the financials for TruHomes, the pending negotiations with the Department of Health and Environmental Control (DHEC), the current title holder to the property and possible interest from other developers.

Steve Harper opened the Public Hearing for Ordinance 2021-1764 at approximately 7:48 p.m.

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

There were approximately 18 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 7:48 p.m.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2021-1764. Seconded by Charlene McGriff.

After discussion, Council members discussed whether the 2nd Reading should be deferred until additional information could be obtained.

Brian Carnes moved to defer the 2nd Reading of Ordinance 2021-1764 until the next meeting, which would allow time for additional documentation to be obtained.

Charlene McGriff withdrew her second for the motion to approve and Larry Honeycutt withdrew his motion to approve.

Brian Carnes explained that he had already made a motion to defer the discussion until the next meeting. Seconded by Allen Blackmon. The motion to defer Passed 7-0.

Council took a break in the meeting starting at approximately 8:02 p.m. After the break, Council resumed the meeting at approximately 8:14 p.m. when Chairman Harper called the Council meeting back to order.

Resolution 1164-R2021 regarding Approving the Annual Assessment Roll for the Edgewater Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For The Edgewater Improvement District, Lancaster County, South Carolina.

Larry Honeycutt moved to approve Resolution 1164-R2021. Seconded by Charlene McGriff. Motion Passed 7-0.

Resolution 1165-R2021 regarding Approving the Annual Assessment Roll for the Edgewater II

Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For The Edgewater II Improvement District, Lancaster County, South Carolina.

Larry Honeycutt moved to approve Resolution 1165-R2021. Seconded by Charlene McGriff. Motion Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

Resolution 1166-R2021 regarding Approving the Annual Assessment Roll for the Sun City Carolina Lakes Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For The Sun City Carolina Lakes Improvement District, Lancaster County, South Carolina.

Terry Graham moved to approve Resolution 1166-R2021. Seconded by Charlene McGriff. Motion Passed 7-0.

Resolution 1167-R2021 regarding Approving the Annual Assessment Roll For Bond Area 1 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For Bond Area 1 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Charlene McGriff moved to approve Resolution 1167-R2021. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1168-R2021 regarding Approving the Annual Assessment Roll For Bond Area 2 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For Bond Area 2 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Charlene McGriff moved to approve Resolution 1168-R2021. Seconded by Billy Mosteller. Motion Passed 7-0.

Resolution 1169-R2021 regarding Approving the Annual Assessment Roll For Bond Area 3 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2021 Assessment Roll For Bond Area 3 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Terry Graham moved to approve Resolution 1169-R2021. Seconded by Larry Honeycutt. Motion Passed 7-0.

Resolution 1170-R2021 regarding the Levy and Collection of Debt Service Millage in Reid Pointe

Resolution Title: A Resolution Authorizing The Levy And Collection Of Debt Service Millage In The Reid Pointe Special Tax District

Charlene McGriff moved to approve Resolution 1170-R2021. Seconded by Terry Graham. Motion Passed 7-0.

3rd Reading of Ordinance 2021-1755 regarding Rezoning Property Located at 2329 and 2347 Charlotte Highway from LDR and PB to GB (Applicant S & KB Properties)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 13.25 Acres Of Property (TMS# 0049-00-097.00 & 0049-00-96.00), Located At 2329 & 2347 Charlotte Highway, Lancaster, South Carolina, From LDR, Low Density Residential District, And PB, Professional Business District, To GB, General Business District. - *Planning Department Case Number: RZ-2021-1687.*

Allen Blackmon recused himself from the discussion and vote on the 3rd Reading of Ordinance 2021-1755. 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 8:21 p.m.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2021-1755. Seconded by Billy Mosteller. Motion Passed 6-0.; Abstain: Blackmon

Allen Blackmon returned to Chambers at approximately 8:22 p.m. and rejoined the Council meeting.

3rd Reading of Ordinance 2021-1758 regarding Adoption of a Small Area Master Plan Extension to the Southern Panhandle Small Area Plan

Ordinance Title: An Ordinance Adopting Amendments To Elements Of The Comprehensive Plan For Lancaster County, South Carolina, By Adoption Of An Extension Of The Southern Panhandle Small Area Plan

Terry Graham moved to approve the 3rd Reading of Ordinance 2021-1758. Seconded by Brian Carnes.

Allen Blackmon moved to amend Ordinance 2021-1758 to include/substitute the updated Exhibit 1 attached to the agenda package. Seconded by Brian Carnes. The motion to amend Passed 7-0.

The motion to approve the 3rd Reading of Ordinance 2021-1758 as amended Passed 7-0.

3rd Reading of Ordinance 2021-1761 regarding Adopting a School Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A School Development Impact Fee ("Impact Fee") To Be Imposed On All New Residential Development In The Lancaster County School Panhandle Service Area; To Ensure That School Facility System Improvements Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From The School Children In New Residential Developments In The Panhandle Of Lancaster County School Service Area Based On The School District's Level Of Service Standards And Capital Improvements Plan, And To Assign The Costs Of Such Public School Facilities On A Proportionate Share Basis To New Residential Development In The Service Area; And Establishment Of An Intergovernmental Agreement Between Lancaster County And The Lancaster County School District, To Ensure Proper Implementation And Administration Of The School Development Impact Fee Ordinance

Brian Carnes moved to approve the 3rd Reading of Ordinance 2021-1761. Seconded by Allen Blackmon. Motion Passed 7-0.

3rd Reading of Ordinance 2021-1762 regarding Provision of Guidance in Response to South Carolina's Enactment of the Open Carry With Training Act

Ordinance Title: An Ordinance To Provide Guidance To The Citizens Of Lancaster County In Response To South Carolina's Enactment Of The Open Carry With Training Act, Relating Specifically To The County's Authority To Regulate The Open Carrying Of A Firearm On Public Property During Certain Events

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2021-1762. Seconded by Terry Graham. Motion Passed 7-0.

Public Hearing and 1st 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 Public Hearing and 1st 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 B. He left Chambers at approximately 8:26 p.m.

Steve Harper opened the Public Hearing for Ordinance 2021-1765 at approximately 8:28 p.m.

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

There were approximately 13 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 8:28 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1765. Seconded by Brian Carnes. Motion Passed 6-0.; Abstain: Blackmon

Allen Blackmon returned to Chambers at approximately 8:29 p.m. and rejoined the Council meeting.

Discussion and Action Items

Approval of Appointments to various Boards or Commissions

- Betty J. George to the Community Relations Commission as the District 1 representative to fill a four year term that would end on 06/30/2025 (3rd Term - Requires a Super Majority Vote of Council for Approval)
- Christian Garcia to the Health and Wellness Commission as the Social Worker representative to fill a four year term that would end on 06/30/2025

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

Approval of Parks and Recreation Development (PARD) Grant for Parks and Recreation - Steve Willis/Hal Hiott

Charlene McGriff moved that the Parks and Recreation staff and Finance staff be authorized to accept the PARD grant with the required \$636.47 local match coming from the grant match account. Seconded by Brian Carnes. Motion Passed 7-0.

Grant for Lancaster County Sheriff's Office - Steve Willis/Sheriff Barry Faile

Billy Mosteller moved to approve the grant. Seconded by Charlene McGriff. Motion Passed 7-0.

EMS/ School District Potential Program for FY 22-23 - Steve Willis/Clay Catoe

Steve Willis and Clay Catoe explained the potential EMS program that will be started at the School District Career Center. They explained that the program would start next year and would be included in the County's fiscal year 2022-2023 budget.

Clay Catoe explained that he would be researching a new program to help prevent burnout for the Emergency Medical staff.

Requested Waiver of Credit Card Fees - Steve Willis

Charlene McGriff moved to waive online payment of Credit Card fees in the Treasurer's office through October 1, 2021. Seconded by Billy Mosteller. Motion Passed 7-0.

Reply from the National Association of Counties on Proposed Homeless Program - Steve Willis

Steve Willis explained the history of the proposal. Charlene McGriff asked for Council to support the project.

Amber Jackson provided and reviewed a four page handout entitled, "Project Proposal Lancaster Area Coalition for the Homeless (LACH)," and that handout is attached as Schedule C to the written minutes in the Clerk to Council's office.

Council and the Non-Profit representatives of Amber Jackson, Sharon Novinger and Leland Summers discussed whether there was an eviction crisis, whether the funds could be better used for a permanent homeless shelter rather than for the temporary proposal, the proposal's amount of security and the need for a subrecipient agreement.

Charlene McGriff moved that the County support the proposal presented by LACH at the amount quoted in the proposal, \$334,213.00. Seconded by Allen Blackmon.

Allen Blackmon moved to amend the motion to include that the County makes sure that the County would not have to repay back any federal funds and that the program meets the approval for the federal funding. After discussion, Allen Blackmon withdrew his motion to amend.

Larry Honeycutt moved to amend the motion to include that the sponsors look closely at the security and whether the amount of the security in the proposal could be reduced. Council asked for a monthly update on the program. After discussion, Larry Honeycutt withdrew his motion to amend.

The motion that the County support the LACH proposal in the amount of \$334,213.00 Passed 7-0.

HVAC Unit Information - Steve Willis

Steve Willis explained that he would have information for Council at the next meeting regarding pricing to replace the HVAC units in the County building. Council asked to see the age of each unit as part of the agenda package.

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 not discussed during the Council meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

- a. Information on Infrastructure Investment and Jobs Act

Steve Willis explained that this item was for information only for Council and citizens.

Citizens Comments

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

Executive Session

One Item (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

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

Brian Carnes moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. At approximately 9:44 p.m., Council went into Executive Session to discuss the following items: (1) discussion of one personnel matter, pursuant to SC Code 30-4-70(a)(1).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 10:01 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0.

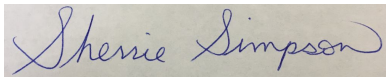
Upon returning to open session, Steve Harper noted, for the record, that during Executive Session, no motions were made and no votes were taken.

Charlene McGriff moved that Lancaster County Council take action to hire Dennis Marstall as Lancaster County Administrator and direct and authorize the County's labor law attorney, Chris Johnson, to negotiate the contract with Mr. Marstall on behalf of Lancaster County and in accordance with Lancaster County Council's instructions. Seconded by Brian Carnes. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Brian Carnes. The motion to adjourn Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 10:03 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on September 27, 2021



Billy Mosteller, Secretary