

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 Administrator**

Dennis Marstall

County Attorney

John K. DuBose III

Clerk to Council

Sherrie Simpson

September 12, 2022

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.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; John Bodner, Assistant County Administrator; Rox Burhans, Development Services Director; Kim Belk, Budget Director; Veronica Thompson, Financial Services Director; Darren Player, Emergency Management/Fire Services Director; Dr. April Williams, Library Director; Keith Wilson, Emergency Management/Fire Services Deputy Director; Jim Kiley, GIS Director; the press; 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

Charlene McGriff moved to approve the agenda as submitted. Seconded by Larry Honeycutt. Motion Passed 7-0.

Special Presentations

Keith Wilson reviewed the County power point presentation for the Cave Rescue at 40 Acre Rock Preserve that occurred in August. The presentation is attached to the written minutes in the Clerk to Council's office.

Dennis Marstall recognized Gillis Robinson as Lancaster County Employee of the Quarter for the 2022 - 2nd quarter.

Jim Kiley reviewed the County power point presentation on County GIS Public Data. The presentation is attached to the written minutes in the Clerk to Council's office. Jim Kiley gave a demonstration on QPublic.

Citizens Comments

The following citizens signed up for Citizens Comments:

Tindall Yarborough, Lancaster, SC spoke about the City of Lancaster's downtown area.

The following citizens submitted electronic, written comments for Citizens Comments: Mr. Marstall stated there were six (6) emails received regarding Redstone developments, generally opposed to the residential component but in favor of commercial component. These emails are attached to the written minutes in the Clerk to Council's office as Schedule A.

Consent Agenda

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

- a. **Approval of Minutes from the August 10, 2022 County Council Committee Of The Whole Meeting**
- b. **Approval of Minutes from the August 22, 2022 County Council Regular Meeting**
- c. **3rd Reading of Ordinance 2022-1810 regarding Rezoning Property Located at 7984 Taxahaw Road from Rural Business District, RUB, to Agricultural Residential District, AR (Applicant Nathaniel B. Purser)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone One (1) Acre Of Property (TMS# 0093-00-004.04), Located At 7984 Taxahaw Road, From RUB, Rural Business District, To AR, Agricultural Residential District. - *Planning Department Case Number: RZ-2022-0672.*
- d. **3rd Reading of Ordinance 2022-1817 regarding Rezoning Property from Manufactured Housing District, MH, to Low Density Residential District, LDR, to Allow the Parcel to Be Conjoined with Adjacent Homesite at 1628 John Truesdale Road (Applicant LaVern and Lina Hovey)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone

Approximately 0.67 Acres, A Portion Of Property On John Truesdale Road (TM# 0060-00-092.04) From Manufactured Housing (MH) To Low Density Residential (LDR) District, To Allow The Parcel To Be Conjoined With Adjacent Homesite At 1628 John Truesdale Road (TM# 0060-00-092.00). - ***Planning Department Case Number: RZ-2022-1329.***

Non-Consent Agenda

Resolution 1218-R2022 regarding Accepting Donated Property from Lennar Carolinas, LLC

Resolution Title: A Resolution Approving Acceptance Of A Donated 1.745 Parcel Of Property Located On Van Wyck Road (A Portion Of TMS 0022-00-007.00) From Lennar Carolinas LLC, For Public Safety Use.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

John DuBose stated Lennar Carolinas would like to donate a 1.745 acre parcel of property to Lancaster County for use as a potential future EMS site, across from the main entrance to Tree Tops. He stated Clay Catoe has reviewed the site and determined it is suitable for an EMS site. Terry Graham asked about the value of the property, which was not known. Terry Graham stated he was wary of accepting property from a developer. There was discussion of due diligence on the property.

Motion to approve Resolution 1218-R2022 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None

1st Reading of Ordinance 2022-1823 regarding Amending the Fiscal Year 2022-2023 Budget

Ordinance Title: An Ordinance To Amend Ordinance No. 2022-1803, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (FY 2022-2023), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Charlene McGriff moved to approve. Seconded by Allen Blackmon.

Kim Belk stated staff was requesting four (4) amendments to the County's approved General Fund Budget for the current fiscal year. She stated first is a carry-forward grant match for the Air Rail Park Economic Development Project that was previously approved by Council in 2021. She stated the match was originally budgeted to come from fund balance last year, but was not completed by June 30 and the unspent money went back into fund balance. She stated it is being requested to be rebudgeted this year as the project is expected to be completed. She stated this was a match for a Department of Commerce grant in the amount of \$300,000.

She continued that the second request from fund balance was for the roof and gutter replacement, downspout extension and repairs at the new EMS Headquarters in the amount of \$180,400. She stated there have been issues with leaks in the building and she explained that since there are now staff in the building full-time, the repairs are critical. She stated the County received insurance money which was less than \$20,000.

She continued that the third item was another item that should have been carried forward. She stated Council approved a body scanner purchase in 2020. She stated this amendment request is in the Sheriff's Detention Center Budget which needs to be adjusted for the final payment on the body scanner. She stated the budget was actually amended to include this purchase in Fiscal Year 20-21. She stated that the first payment was due upfront, but the second payment was not due until 1 year from installation. She stated the piece of equipment took longer than expected to be installed and the funding was not carried forward in the budget. She explained that this item was approved by Council to be funded 50% from fund balance and 50% from the Sheriff's Inmate Commissary funds. She stated that the second payment was to be paid from the Sheriff's funds.

She continued that the final amendment request was for an increased allocation from the State for the library. She stated the increase in State Aid was not known until after the County passed its budget. She stated currently State Aid for the Library is budgeted at \$140,000, this year and Lancaster County's allocation was approved at \$216,250.28. She stated these funds were restricted for Library usage. She stated Library Director, Dr. April

Williams, has indicated the funds will be used to purchase books, training, and increased funding for programming initiatives.

Allen Blackmon asked about the amount of money needed for EMS repairs. Kim Belk stated the \$135,000 quote was for the roof alone. Terry Graham made a formal request for the next Council meeting or Committee of the Whole meeting to receive information regarding Del Webb Library statistics. Allen Blackmon also requested the Air Rail Park, across from Fancy Pokket, be bush hogged twice a year.

Motion to approve 1st reading of Ordinance 2022-1823 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None

3rd Reading of Ordinance 2022-1819 regarding Rezoning Property from Regional Business District, RB, to Mixed Use District, MX (Applicant Redstone Investors, LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 25.79 Acres (TM#s 0008-00-015.00, 0005-00-0106.06, 0005-00-0106.05 and p/o 0005-00-0106.04) From Regional Business (RB) District To Mixed Use (MX) District. - *Planning Department Case Number: RZ-2021-1650.*

Billy Mosteller moved to approve. Seconded by Larry Honeycutt.

Rox Burhans stated there was nothing new to add to this request. Terry Graham asked about the thirteen items in Technical Review and why they weren't addressed at 1st and 2nd reading. Mr. Burhans stated that the developer had resolved the outstanding items. Terry Graham also questioned the noise problem between Farm Haus and the townhomes. Mr. Burhans stated the developer was going to enhance the architecture with sound deafening in the windows and features. There were discussions on parking standards, emergency vehicle access, the process for concept plans versus final plans, water and sewer on plats, and stormwater issues/runoff.

Terry Graham asked that Technical Review Committee minutes be current when they are forwarded to County Council.

Terry Graham also asked Attorney John DuBose why Redstone was exempt from impact fees for schools when they changed their use. John DuBose explained Council's decision on impact fees was made due to Redstone having a development plan.

Motion to approve 3rd Reading of Ordinance 2022-1819 Passed 5-2. Ayes: Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon, Graham

3rd Reading of Ordinance 2022-1820 regarding Approval of a Master Development Plan and Preliminary Plat for Redstone Phase II (Applicant Redstone Investors, LLC)

Ordinance Title: An Ordinance To Approve The Master Development Plan And Preliminary Plat Submission Of Redstone Investors, LLC, For A Proposed 370-Unit Residential Community (Townhomes/Multifamily Apartments At 14 Dwelling Units Per Acre), 24,000 Square Feet Of Commercial Non-Residential Development, And One Commercial Outparcel. (TMS# 0008-00-015.00, 0005-00-0106.06, 0005-00-0106.05 And P/O 0005-00-0106.04). - *Planning Department Case Number: MX-2021-1650.*

Larry Honeycutt moved to approve. Seconded by Billy Mosteller.

Rox Burhans stated there was nothing new to add to this request. There was no discussion.

Motion to approve 3rd Reading of Ordinance 2022-1820 Passed 5-2. Ayes: Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon, Graham

3rd Reading of Ordinance 2022-1821 regarding Approval of a Development Agreement with Redstone

Investors, LLC

Ordinance Title: An Ordinance To Approve A Development Agreement With Redstone Investors, LLC, In Accordance With Unified Development Ordinance Section 9.2.18 For A Proposed 370-Unit (14.3 Du/Acre) Townhome/Multifamily Apartment Community, 24,000 Square Foot Nonresidential Development, And One Commercial Outparcel Located On Approximately 25.79 Acres Of Land. - ***Planning Department Case Number: DA-2021-1650.***

Larry Honeycutt moved to approve. Seconded by Billy Mosteller.

Charlene McGriff moved to amend Exhibit 1 to Ordinance 2022-1821 by substituting and replacing Exhibit 1 with the document attached to the agenda package and labeled "Proposed final version of Development Agreement - Exhibit 1 to Ordinance 2022-1821". Seconded by Billy Mosteller. There was no discussion on the amendment.

Motion to approve the amendment Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None

Terry Graham asked who set policy on development agreement fees of \$500 for solid waste and \$250 for library. Dennis Marstall stated this item was discussed administratively and also with Council input regarding new developments impacting services. Mr. Graham stated he does not remember discussion regarding this matter. Mr. Graham stated he would like to know from the library how they justify and use these funds. He also requested an explanation on the \$500 solid waste fee that was being charged.

Motion to approve 3rd Reading of Ordinance 2022-1821 as amended Passed 5-2. Ayes: Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon, Graham

Public Hearing and 2nd Reading of Ordinance 2022-1813 regarding Rezoning Property for Five Parcels Located At and Adjacent to 9224 Tadlock Drive from Neighborhood Business (NB) and General Business (GB) to Regional Business (RB) (Applicant Two Capital Partners)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Five (5) Parcels Comprising Approximately 50.77 Acres Located At And Adjacent To 9224 Tadlock Drive (TM#s 0010-00-051.00, 0010-00-052.00, 0010-00-052.01, 0010-00-052.02, 0010-00-052.03) From Neighborhood Business (NB) District And General Business (GB) District To Regional Business (RB) District. - ***Planning Department Case Number: RZ-2021-2803.***

Rox Burhans stated the proposed rezoning would support development of a mixed area project that includes 238 multifamily units and two commercial outparcels fronting on Highway 521. He stated the concept plan reflected the consolidation of the access and the traffic impact study was updated to include a right turn lane.

Steve Harper opened the Public Hearing for Ordinance 2022-1813 at approximately 7:33 p.m.

He noted that one person signed up to speak at the Public Hearing for the Ordinance.

There were approximately 11 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 Ordinance: Tindall Yarborough did not come forward to speak when her name was called.

Steve Harper closed the Public Hearing at approximately 7:33 p.m.

Charlene McGriff moved to approve. Seconded by Allen Blackmon.

Terry Graham stated he has concerns about the high density apartments and the stress this will put on the schools. He questioned if the school district was involved when discussing plans. Rox Burhans stated Lancaster County Water and Sewer District provides input as well as the Fire Marshal's office. He stated the School District does not provide input. Steve Harper asked John DuBose if it was appropriate to ask developers if they are keeping the property or if they were flipping the property. Mr. DuBose stated this matter shouldn't make a difference in Council's decision. Brandon Pridemore with Two Capital Partners stated the developer intended to keep this property and manage it. Larry Honeycutt stated Council needed to pause on developments and step back and see

what these developers were doing to Lancaster County. He continued that we need to listen to our constituents. Allen Blackmon stated he was confused about what Council was approving for the Indian Land area.

The motion to approve 2nd Reading of Ordinance 2022-1813 Passed 6-1. Ayes: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Graham

Public Hearing and 2nd Reading of Ordinance 2022-1814 regarding Approval of a Development Agreement for Two Capital Partners

Ordinance Title: An Ordinance To Approve A Development Agreement With Two Capital Partners In Accordance With Unified Development Ordinance Section 9.2.18 For A Proposed 238-Unit Multifamily Apartment Community With Commercial Outparcels. - ***Planning Department Case Number: DA-2021-2803.***

Rox Burhans stated there was nothing further to add to this request.

Steve Harper opened the Public Hearing for Ordinance 2022-1814 at approximately 7:47 p.m.

He noted that one person signed up to speak at the Public Hearing for the Ordinance.

There were approximately 12 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 Ordinance: Tindall Yarborough, Lancaster SC, spoke against growth and too much traffic on Highway 521.

Steve Harper closed the Public Hearing at approximately 7:51 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Billy Mosteller moved to amend Exhibit 1 to Ordinance 2022-1814 by substituting and replacing Exhibit 1 with the document attached to the agenda package and labelled "Proposed Amended Development Agreement - Exhibit 1 to Ordinance 2022-1814" AND by substituting as Exhibit B-1 to the Development Agreement an amended Master Concept Plan that has been presented to County Council as a handout with tonight's materials. Seconded by Allen Blackmon. The handout is attached as Schedule B to the written minutes in the Clerk to Council's Office.

Motion to approve the amendment Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None

The motion to approve 2nd Reading of Ordinance 2022-1814 as amended Passed 6-1. Ayes: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Graham

1st Reading of Ordinance 2022-1811 regarding the Interim Unified Development Ordinance (UDO))

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") To Create Three Flexible Zoning Districts (FR, FNR, FMU), To Convert Existing Mixed-Use Districts (UR, HDR, RMX, MX, IMX) To Legacy Districts, And The Limit Application Of The Cluster Subdivision Overlay District (CSO) To Those Properties Zoned Medium Density Residential (MDR) On The Effective Date Of This Ordinance. - ***Planning Department Case Number: UDO-TA-2021-2980.***

Charlene McGriff moved to approve. Seconded by Billy Mosteller.

Rox Burhans reviewed the County power point presentation for Ordinance 2022-1811. The County power point presentation is attached to the written minutes in the Clerk to Council's office.

Larry Honeycutt stated the parking of four (4) cars per driveway was acceptable and he supported this part of the ordinance. Steve Harper stated he understood the problems with Mixed Use districts and he supported single family homes and lower density districts. Allen Blackmon stated this ordinance gives flexibility to staff to alleviate problems, which he has problems with because Council may not have knowledge of what was going on and this could increase density if passed. Steve Harper stated he was not comfortable with this complex document.

There were discussions on growth. Council stated they like some parts and do not like some parts. Dennis Marstall stated staff needed clarification. Charlene McGriff asked Mr. Marstall to send each Councilmember individual emails for what they like and what they do not like. Mr. Marstall stated the full Unified Development Ordinance (UDO) will be presented at the Committee of the Whole meeting on Wednesday, September 14.

Brian Carnes moved to defer this item to the next meeting. Seconded by Charlene McGriff.

Charlene McGriff withdrew her motion to approve and Billy Mosteller withdrew his second.

Motion to defer 1st Reading of Ordinance 2022-1811 passed 6-1. Ayes: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Graham

Public Hearing and 1st Reading of Ordinance 2022-1822 regarding Rezoning Property from Low Density Residential (LDR) to Medium Density Residential (MDR) (Applicant Century Communities)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 19.39 Acres Located At Williamson Farm Lane And At 500 And 516 W. Shiloh Unity Road (TM#s 0049-00-004.16, 0049-00-005.01 And 0049-00-005.02) From Low Density Residential (LDR) District To Medium Density Residential (MDR). - *Planning Department Case Number: RZ-2022-0733.*

Steve Harper recused himself from this item at approximately 8:39 p.m. Brian Carnes took over the meeting. Steve Harper's Statement of Recusal is attached as Schedule C to the written minutes in the Clerk to Council's Office.

Charlene McGriff moved to approve. Seconded by Billy Mosteller.

Rox Burhans reviewed the County power point presentation which is attached to the written minutes in the Clerk to Council's office. He stated the proposed plat was for 150 acres for a proposed 398 homes.

Terry Graham stated he does not favor cluster developments.

Brian Carnes opened the Public Hearing for Ordinance 2022-1822 at approximately 8:48 p.m.

He noted that one person 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 Ordinance: Tindall Yarborough, Lancaster, SC spoke against growth and traffic on Highway 521, the need of affordable housing, and the need to work for what's best for the citizens.

Brian Carnes closed the Public Hearing at approximately 8:51 p.m.

The motion to approve 1st Reading of Ordinance 2022-1822 Failed 2-4. Ayes: Blackmon, Mosteller; Nays: Carnes, Graham, Honeycutt, McGriff; Abstain: Harper

Steve Harper returned to the meeting at approximately 8:54 p.m.

Discussion and Action Items

Allen Blackmon asked to amend the Committee of the Whole agenda on September 14 to include shooting ranges on private property.

Status of items tabled, recommitted, deferred or held

There were no tabled, recommitted, deferred or held items to be discussed during the Council meeting.

Miscellaneous Reports and Correspondence

There were no Miscellaneous Reports and Correspondence to be discussed during the Council meeting.

Executive Session

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

1. Three Economic Development Discussions: Rico Industries, Adornus, and CompuCom. SC Code 30-4-70(a)(5).

Larry Honeycutt moved to go into Executive Session. Seconded by Allen Blackmon. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None. At approximately 8:58 p.m., Council went into Executive Session to discuss three (3) items: three Economic Development discussions: Rico Industries, Adornus and CompuCom, pursuant to South Carolina Code 30-4-70(a)(5).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:22 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Allen Blackmon. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council discussed three (3) items: three Economic Development discussions for Rico Industries, Adornus and CompuCom. He also noted that, during Executive Session, no votes were taken and no decisions were made.

Steve Harper recused himself and Brian Carnes took over the meeting as Chair at approximately 9:22 p.m. Larry Honeycutt moved to reconsider Ordinance 2022-1822 and debate at the next Council meeting. Seconded by Charlene McGriff. The motion to reconsider Passed 4-2. Ayes: Blackmon, Honeycutt, McGriff, Mosteller; Nays: Carnes, Graham; Abstain: Harper

Terry Graham stated the public perception of reconsidering Ordinance 2022-1822 may not appear favorable from constituents since this request was from the Chairman.

Steve Harper returned to the meeting at approximately 9:24 p.m.

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Brian Carnes. Motion Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 9:24 p.m.

Respectfully Submitted:

Approved by Council on September 26, 2022

Donna Greene

Donna Greene
Deputy Clerk to Council



Billy Mosteller, Secretary