

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 11, 2023

5:15 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, Jose Luis, Charlene McGriff, and Billy Mosteller.

Absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Ashley Davis, Deputy Planning Director; Veronica Thompson, Financial Services Division Director; Brian Fulk, Economic Development Director; Frannie Heizer, Attorney with Burr Forman; 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 / Executive Session / Items Requiring a Vote Following Executive Session

Chairman Steve Harper called the regular meeting of County Council to order at approximately 5:15 p.m.

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 the issuance of installment purchase revenue bonds and for the receipt of legal advice subject to the attorney-client privilege regarding an economic development discussion on Project E3. He invited members of Burr Forman, Compass Municipal Advisors, and the County Chief Financial Officer (CFO) into Executive Session for the first item and members of Burr Forman and the Economic Development Director into Executive Session for the second item. Brian Carnes stated that he so moved. Seconded by Charlene McGriff. The motion to go into Executive Session Passed 7-0. At approximately 5:16 p.m., Council went into Executive Session.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 6:00 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Charlene

McGriff.

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed two (2) items: (1) receipt of legal advice subject to the attorney-client privilege regarding the issuance of installment purchase revenue bonds.; and (2) receipt of legal advice subject to the attorney-client privilege regarding an economic development discussion of Project E3. She stated that, during Executive Session, no motions were made and no votes were taken.

The motion to come out of Executive Session Passed 7-0.

Welcome and Recognition - Chairman Steve Harper - 6:00 p.m.

Chairman Steve Harper welcomed everyone to the meeting. Dennis Marstall introduced the new Deputy County Administration, Stephany Snowden.

Pledge of Allegiance and Invocation - Council Member Allen Blackmon

Allen Blackmon 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. Motion Passed 7-0.

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. Maria Reid, Waxhaw, NC, wrote in regarding concerns about the fluoridation of water. The Clerk to Council referred her to the Lancaster County Water and Sewer District. A copy of her comments were provided to Council and a copy of her written comments are attached as Schedule A to the written minutes in the Clerk to Council's office.
2. Catherine Cretu, Waxhaw, NC, wrote in regarding concerns about the fluoridation of water. The Clerk to Council referred her to the Lancaster County Water and Sewer District. A copy of her comments were provided to Council and a copy of her written comments are attached as Schedule B to the written minutes in the Clerk to Council's office.
3. Deb Manwarren, no address given, wrote in regarding ending fluoridation in the Lancaster water system. The Clerk to Council referred her to the Lancaster County Water and Sewer District. A copy of her comments were provided to Council and a copy of her written comments are attached as Schedule C to the written minutes in the Clerk to Council's office.
4. Abigail Prado, no address give, wrote in regarding concerns about adding fluoride to the public drinking water. The Clerk to Council referred her to the Lancaster County Water and Sewer District. A copy of her comments were provided to Council and a copy of her written comments are attached as Schedule D to the written minutes in the Clerk to Council's office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **6a., 6b., 6c., 6d., 6e., and 6f.** [which are the same as Items **a., b., c., d., e., and f.** listed below]. Seconded by Charlene McGriff. All of the Consent Agenda items passed by a vote of 7-0.

- a. **Approval of Minutes from the February 12, 2020 Lancaster County Trail Advisory Committee Meeting**
- b. **Approval of Minutes from the August 16, 2023 County Council Committee of the Whole Meeting**
- c. **Approval of Minutes from the August 28, 2023 County Council Regular Meeting**

- d. **3rd Reading of Ordinance 2023-1862 regarding Rezoning Property Located at 165 Brooklyn Avenue from MDR To NB (Applicant Barby Barchu)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 0.30 Acres (TM# 0081H-0C-013.00) Located At 165 Brooklyn Ave, From Medium Density Residential (MDR) District To Neighborhood Business (NB) District. - ***Planning Department Case Number: RZ-2023-0739.***

- e. **3rd Reading of Ordinance 2023-1863 regarding Rezoning Property Located at 1743 Lynwood Drive from INS to MDR (Applicants Ronald Woods and Rev. Matthew Alexander on behalf of Grace-Lynwood United Methodist Church)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 5.819 Acres (TM# 0087G-0C-004.00) Located At 1743 Lynwood Dr, From Institutional (INS) District To Medium Density Residential (MDR) District. - ***Planning Department Case Number: RZ-2023-0831.***

- f. **3rd Reading of Ordinance 2023-1867 regarding Amending the County Code Relating to Parliamentary Procedures for Council Meetings**

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Relating To Parliamentary Procedures For Council Meetings To Provide For The Committee Of The Whole And Ad Hoc Committees In Order To Comport With Existing Lancaster County Practices And Procedures.

Non-Consent Agenda

1st 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.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2023-1874. Seconded by Brian Carnes.

Dennis Marstall explained that this Ordinance provided for the financing mechanism for the Detention Center and the Regional Park. He noted that each project had its own revenue stream: the Capital Project Sales Tax (CPST) for the Detention Center and the Hospitality Tax for the Regional Park. Frannie Heizer came forward to answer any questions from Council.

Allen Blackmon explained that the Regional Park should be completed in phases, as was originally planned. He stated that it would be fiscally irresponsible to complete the Park all at once. He moved to divide the issue for discussion and vote. He noted that he would like the vote on the Park separated from the vote on the Detention Center. Seconded by Jose Luis. The motion to divide the issue failed by a vote of 2-5. Ayes: Blackmon, Luis;

Nayes: Carnes, Graham, Harper, McGriff, Mosteller.

After a lengthy discussion on whether the Park should be built all at once or in phases, Council approved the 1st Reading of Ordinance 2023-1874 by a vote of 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nayes: Blackmon.

Public Hearing and 3rd Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights

Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures.

Dennis Marstall explained that this Ordinance helped provide for opportunities for naming rights for new facilities that have been built in the County or for renaming facilities.

Steve Harper opened the Public Hearing for Ordinance 2023-1846 at approximately 6:22 p.m.

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

There were approximately 18 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 6:22 p.m.

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2023-1846. Seconded by Terry Graham. There was no discussion from Council. The 3rd Reading of Ordinance 2023-1846 Passed by a vote of 7-0.

Public Hearing and 3rd Reading of Ordinance 2023-1868 regarding Amending the Lancaster County Code Related to the Residency Requirement for Certain Management Positions

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To The Residency Requirement For Certain Management Positions

Dennis Marstall explained that this would be the 3rd Reading of Ordinance 2023-1868 and that the Ordinance had been updated to extend the residency requirement from six months to twelve months.

Steve Harper opened the Public Hearing for Ordinance 2023-1868 at approximately 6:24 p.m.

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

There were approximately 18 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 6:24 p.m.

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2023-1868. Seconded by Brian Carnes.

Jose Luis asked about Section 2 of the Ordinance and asked if Council would be interested in changing the residency requirement to twelve months for anyone hired prior to December 31, 2023. Council discussed the potential change and the positive and negative aspects of the potential change. Jose Luis moved to amend the Ordinance to add to the residency requirement that applicants should move within twelve months and that the Ordinance should apply to the certain management positions that were hired through December 31, 2023. Seconded by Allen Blackmon. Council and staff discussed the original intent of the Ordinance and possible market changes that might influence an employee's ability to comply with the Ordinance. Jose Luis amended his amendment to read that this Ordinance would have an applicability period until December 31, 2024. Seconded by Allen Blackmon. The attorney clarified that the motion was that the residency requirement would revert back to six months after December 31, 2024. The motion to amend the amendment Passed by a vote of 4-3. Ayes: Blackmon, Carnes, Graham, Luis; Nayes: Harper, McGriff, Mosteller.

The 3rd Reading of Ordinance 2023-1868 as amended Passed 7-0.

2nd 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.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2023-1873. Seconded by Billy Mosteller.

Dennis Marstall explained that the easement was for work being done at the Airport for the Lighting Vault project. There were no questions from Council and no discussion.

The 2nd Reading of Ordinance 2023-1873 Passed by a vote of 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: Blackmon.

Resolution 1244-R2023 regarding an Inducement Resolution for Economic Development Project E3

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Fee Agreement With Project E3 Including The Provision Of Special Source Revenue Credits; To Express The Willingness Of Lancaster County To Enter Into A Conveyance Agreement With Project E3 For The Conveyance To Project E3 Of Certain Property; 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 E3 In A Multi-County Park.

Brian Carnes moved to approve Resolution 1244-R2023. Seconded by Charlene McGriff.

Brian Fulk, the Economic Development Director, and Mike Burns, Attorney with Burr Forman, explained that Resolution 1244-R2023 and Ordinance 2023-1866 went together and that Council would be discussing both of these items at the same time. Brian Fulk provided an overview of the project.

Council, staff, and the consultants discussed that the Fee-In-Lieu of Tax (FILOT) Incentive Agreement would continue if the project was not initiated within the required twelve months, that the lender had the same obligations as the Company under the FILOT Agreement, whether a title search had been conducted, and whether the Exhibits should be referenced on the deed. The attorneys for Womble, Bond, Dickinson that represent Project E3, Amy Clayton and Jason Myers, explained that fee agreements, generally speaking, throughout the State of South Carolina, are not recorded. They also noted that the Company was looking at other locations. After a discussion on whether recording the fee agreements were tantamount to a restriction on the deed, Council asked if the project could be structured in another way, such as a land lease and then a conveyance. Council and the consultant attorneys discussed whether the Company was bringing any new jobs to the County. After continued discussion, Terry Graham called for the vote.

Resolution 1244-R2023 Passed by unanimous vote of 7-0.

1st 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 16.62 Acres Of Real Property Owned By Lancaster County And Located In The Lancaster Business Park To Project E3 Or An Entity To Be Designated By It; And To Provide For Other Matters Related Thereto.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2023-1866. Seconded by Brian Carnes. The 1st Reading of Ordinance 2023-1866 Passed by unanimous vote of 7-0.

Public Hearing and 1st 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.*

Ashley Davis reviewed the rezoning project via the County power point presentation that is attached to the written minutes in the Clerk to Council's office. Allen Blackmon asked if the project had any citizen concerns and Ashley Davis explained that it did not. Council and staff discussed how the project impacted the Future Land Use map.

Steve Harper opened the Public Hearing for Ordinance 2023-1869 at approximately 7:05 p.m.

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

There were approximately 14 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 7:05 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2023-1869. Seconded by Brian Carnes.

Allen Blackmon moved to amend the Ordinance to add the condition to change the comprehensive plan map to match the zoning. Seconded by Jose Luis. The motion to amend Passed by unanimous vote of 7-0.

The 1st Reading of Ordinance 2023-1869 as amended Passed by unanimous vote of 7-0.

Public Hearing and 1st Reading of Ordinance 2023-1871 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 2, 5, and Chapter 10 to add Auction House as a Conditional Use

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapters 2, 5, And 10 To Include A New Use Definition For "Auction," To Create "Auction" As A Conditional Use, And To Establish The Conditions For The Use, On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2023-1163.*

Ashley Davis reviewed the text amendment via the County power point presentation that is attached to the written minutes in the Clerk to Council's office. Council and staff discussed that the Ordinance did not address auctions for livestock and heavy machinery; however, Ashley Davis noted that Council could make that change in the Ordinance.

Steve Harper opened the Public Hearing for Ordinance 2023-1871 at approximately 7:12 p.m.

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

There were approximately 14 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 7:12 p.m.

Brian Carnes moved to approve the 1st Reading of Ordinance 2023-1871. Seconded by Charlene McGriff.

Council and staff discussed whether the Ordinance allowed for adequate parking, that there had not been any feedback from neighbors and citizens, and whether the Ordinance allowed for auction barns that sell durable goods, livestock, heavy equipment, and/or cars. Council discussed the positive and negative aspects of continuing to consider text amendments during the midst of the rewrite of the Unified Development Ordinance (UDO).

The 1st Reading of Ordinance 2023-1871 Failed by a vote of 1-6. Ayes: Harper; Nays: Blackmon, Carnes, Graham, Luis, McGriff, Mosteller.

1st Reading of Ordinance 2023-1875 regarding Amending the Fiscal Year 2023-2024 Budget

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 2023-1875. Seconded by Charlene McGriff.

Dennis Marstall explained that this budget amendment was being brought forward so that the final phase of the renovations in the Administration offices could be completed. There was no discussion from Council.

The 1st Reading of Ordinance 2023-1875 Passed by a vote of 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nays: Luis.

Discussion and Action Items

Public Notice and Citizen Comment Period for the U.S. Department of Justice Grant for the Lancaster County Sheriff's Department

Dennis Marstall explained that the Sheriff's Office was applying for a United States Department of Justice Grant and that the grant required that Council provide a time for Citizen Comments related to the grant.

Steve Harper opened the Citizen Comment period at approximately 7:27 p.m. He noted that no one signed up to speak during this Citizen Comment period. There were approximately 14 citizens, including staff members, in attendance during this time. The following speakers came forward to make comments: None. Steve Harper closed the Citizen Comment period at approximately 7:27 p.m.

Nomination and Approval of Appointments to the Indian Land Consolidated Fire Commission

- Richard Vander Kaay to fill an initial term that would end on 12/31/2024 (Previous Pleasant Valley Fire District Fee Board Member)
- Heather Burford to fill an initial term that would end on 12/31/2024
- Mark Edward Scheiring to fill an initial term that would end on 12/31/2024 (Previous Indian Land Fire District Fee Board Member)
- Brian Endres to fill an initial term that would end on 12/31/2026 (Previous Pleasant Valley Fire District Fee Board Member)

Brian Carnes moved to approve all of the appointments listed on the agenda. Seconded by Terry Graham. All of the appointments were approved by unanimous vote of 7-0.

Status of items tabled, recommitted, deferred or held

- a. HELD UNTIL SEPTEMBER 25, 2023 MEETING - 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. The Planning Commission recommended approval by a vote of 5-0 and the Planning staff also recommended approval of the text amendment. Passed 7-0 at the August 14, 2023 County Council Meeting. At the August 28, 2023 County Council Meeting, the 2nd Reading was Postponed to the September 25, 2023 County Council Meeting. - Allison Hardin***

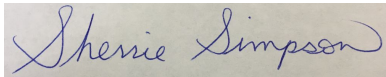
There was no discussion regarding the items tabled, recommitted, deferred or held.

Adjournment

Jose Luis moved to adjourn the Council meeting. Seconded by Terry Graham. The motion to adjourn Passed 7-0.

There being no further business, the regular meeting of Council adjourned at approximately 7:29 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on September 25, 2023



Billy Mosteller, Secretary