

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

August 28, 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, 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; Allison Hardin, Development Services Division Director; Veronica Thompson, Financial Services Division Director; Clay Catoe, Emergency Medical Services Director; Brenda Thompson, Communications and Marketing Director; Sheriff Barry Faile, Lancaster County Sheriff's Office; Brian Fulk, Economic Development Director; 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.

Due to the storm and lack of internet, the live stream would not work. Therefore, the meeting was recorded and the audio of the meeting placed on youtube.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting, especially all of the 6 year olds in the audience that won the World Series championship.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

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

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Allen Blackmon. Motion Passed 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. Janet Chymczuk, no address given, wrote in regarding concerns about traffic at the Indian Land elementary school. 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.

Special Presentations

Council recognized the Dixie Boys 6 and Under team for winning the World Series. They presented each team member and coach with a Council proclamation.

The Honorable Brandon Newton and Sheriff Faile recognized Officer Sheron Adams for winning the South Carolina Sheriff's Association 2023 Detention Officer of the Year.

Consent Agenda

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

- Approval of Minutes from the August 14, 2023 County Council Regular Meeting**
- 3rd Reading of Ordinance 2023-1859 regarding Rezoning Property Located at 1993 Beacon Road from Rural Neighborhood (RN) to Agricultural Residential (AR) District (Applicants Dylan & Tammy Ellis)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.77 Acres (TM# 0089-00-086.01) Located At 1993 Beacon Rd, From Rural Neighborhood (RN) District To Agricultural Residential (AR) District. - *Planning Department Case Number: RZ-2023-0596.*
- 3rd Reading of Ordinance 2023-1860 regarding Rezoning Property at the Corner of Mackey and Douglas Roads from Medium Density Residential (MDR) to Manufactured Housing (MH) District (Applicant Teresa Johnson)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 1.0 Acre (TM# 0103f-0F-006.03) Located At The Corner Of Mackey And Douglas Roads, From Medium Density Residential (MDR) District To Manufactured Housing (MH) District. - *Planning Department Case Number: RZ-2023-0629.*
- 3rd Reading of Ordinance 2023-1861 regarding the Conveyance of the Old Library and Old Jail to the Historical Preservation Society**

Ordinance Title: An Ordinance Authorizing Lancaster County To Sell And Convey County Owned Property Located At 107 South French Street, 208 West Gay Street And 210 West Gay Street And Containing .55 Acres, More Or Less, By Donation, Being Shown On The Lancaster County Tax Maps As Parcel Number 0068P-0Q-009.00.

e. **2nd 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.

f. **2nd 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.*

g. **2nd 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.*

h. **2nd 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

Non-Consent Agenda

Resolution 1245-R2023 regarding Approving the Annual Assessment Roll for the Edgewater Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For The Edgewater Improvement District, Lancaster County, South Carolina.

Brian Carnes moved to approve Resolution 1245-R2023. Seconded by Charlene McGriff. Motion Passed 7-0.

Resolution 1246-R2023 regarding Approving the Annual Assessment Roll for the Edgewater II Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For The Edgewater II Improvement District, Lancaster County, South Carolina.

Charlene McGriff moved to approve Resolution 1246-R2023. Seconded by Terry Graham. Motion Passed 7-0.

Resolution 1247-R2023 regarding Approving the Annual Assessment Roll for the Sun City Carolina Lakes Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For The Sun City Carolina Lakes Improvement District, Lancaster County, South Carolina.

Terry Graham moved to approve Resolution 1247-R2023. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1248-R2023 regarding Approving the Annual Assessment Roll For Bond Area 1 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For Bond Area 1 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Brian Carnes moved to approve Resolution 1248-R2023. Seconded by Billy Mosteller. Motion Passed 7-0.

Resolution 1249-R2023 regarding Approving the Annual Assessment Roll For Bond Area 2 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For Bond Area 2 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Charlene McGriff moved to approve Resolution 1249-R2023. Seconded by Terry Graham. Motion Passed 7-0.

Resolution 1250-R2023 regarding Approving the Annual Assessment Roll For Bond Area 3 Of The Walnut Creek Improvement District

Resolution Title: Approving The Updated 2023 Assessment Roll For Bond Area 3 Of The Walnut Creek Improvement District, Lancaster County, South Carolina.

Charlene McGriff moved to approve Resolution 1250-R2023. Seconded by Brian Carnes. Motion Passed 7-0.

Resolution 1251-R2023 regarding the Levy and Collection of Debt Service Millage in Reid Pointe Special Tax District

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

Billy Mosteller moved to approve Resolution 1251-R2023. Seconded by Charlene McGriff. Motion Passed 7-0.

3rd Reading of Ordinance 2023-1845 regarding Codifying Rules for Parks and Recreation Facilities

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To Rules And Regulations For Lancaster County Parks And Recreation Areas/Facilities.

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2023-1845. Seconded by Terry Graham.

Dennis Marstall explained that this Ordinance would provide staff with the ability to publish rules so that they can enforce them if necessary and to work with the Sheriff's office, if necessary, to enforce them. Council and staff discussed that deputies would use ordinance summonses when dealing with violations of this Ordinance. Jose Luis noted his concerns that the language in the Ordinance was too broad and subjective and could be abused. Council and staff discussed the fact that staff would create signs on which the rules would be written and then posted.

3rd Reading of Ordinance 2023-1845 Passed by a vote of 6-1. Ayes: Graham, McGriff, Mosteller, Harper, Blackmon, Carnes; Nays: Luis.

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 Charlene McGriff.

Allison Hardin provided an overview of the text amendment via the County power point presentation. She provided and reviewed a handout of the ordinance entitled "Amended Language Since 1st Reading," and that handout is attached as Schedule B to the written minutes in the Clerk to Council's office.

Council and staff discussed the number of lots that should be allowed off of a gravel road, the subdivision of property versus a neighborhood/subdivision and how the Ordinance would impact the southern end of the County versus the northern end of the County. Allison Hardin asked that Council postpone the 2nd Reading of the

Ordinance so that the Planning staff could bring additional information back to Council.

Allen Blackmon moved to postpone the 2nd Reading of Ordinance 2023-1864 until the September 25, 2023, Council meeting. Seconded by Billy Mosteller. The motion to postpone Passed 7-0.

Jose Luis pointed out a scrivener's error in Section 6.14.1(A.), where "....creating more than twenty (2)..." should say "....creating more than twenty (20)...".

2nd 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.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2023-1867. Seconded by Charlene McGriff.

Dennis Marstall explained that the Ordinance had been changed based on the motion from the last Council meeting. Council discussed among themselves whether the Chairman alone should be able to extend a Committee's existence or if it should take a vote of Council to extend a Committee's existence. There were no motions made to change the wording of the Ordinance.

The 2nd Reading of Ordinance 2023-1867 Passed by a vote of 7-0.

Resolution 1244-R2023 regarding an Inducement Resolution for Economic Development Project E-3

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.

Jose Luis moved to approve Resolution 1244-R2023. Seconded by Terry Graham.

Brian Fulk provided an overview of the Economic Development Project E3. He noted that the company sold and distributed recycling equipment. Council and staff discussed the conveyance of the property and the potential protections and parameters put in place so the County could get the land back, if needed. Council and staff also discussed the fair market value of the land, that the property is cleared but not graded, that stormwater issues still need to be dealt with on the property, and whether the Resolution and Ordinance should be postponed so that staff could provide Council with additional information regarding protections for the County regarding the land conveyance.

Jose Luis withdrew his original motion to approve Resolution 1244-R2023.

Terry Graham moved to postpone Resolution 1244-R2023 and the 1st Reading of Ordinance 2023-1866 until the next Council meeting, or until September 11, 2023. Seconded by Charlene McGriff. The motion to postpone both items Passed by a 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 [] 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. -

Please see the discussion and vote under Resolution 1244-R2023 where Council unanimously voted to postpone both the Resolution and Ordinance for Project E3 until the September 11, 2023 Council meeting.

1st 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 1st Reading of Ordinance 2023-1873. Seconded by Billy Mosteller.

Dennis Marstall provided an overview of the easement request from Duke Energy Carolinas, LLC. There was no discussion from Council.

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

Resolution 1252-R2023 regarding Approval of the Grant Match for the Airport Terminal Project

Resolution Title: A Resolution To Direct County Staff To Take Appropriate Action To Move Forward With The Bipartisan Infrastructure Law – Airport Terminal Project Grant Match Award, To Execute Such Other Documents As May Be Necessary And Convenient, And To Take Any Other Action As May Be Needed To Carry Into Effect This Resolution.

Brian Carnes moved to approve Resolution 1252-R2023. Seconded by Charlene McGriff.

Dennis Marstall provided an overview of the Airport Terminal project grant and the amount of the grant match required from the County. He explained that Council would receive additional information about the project and possible additional grant monies that could be received for the project at the Committee of the Whole (COW) meeting in September. Council and staff discussed that Council needed the total project costs at this meeting and that Council should have the total project costs without escalation so that they could make informed decisions regarding the grant.

Resolution 1252-R2023 Passed by a vote of 5-2. Ayes: Graham, McGriff, Mosteller, Harper, Canes; Nays: Luis, Blackmon.

Discussion and Action Items

Appointment to the Rock Hill Fort Mill Area Transportation Study (RFATS) Board - Chairman Steve Harper

- Jose Luis

Steve Harper asked if Jose Luis would accept appointment to the Rock Hill Fort Mill Area Transportation Study (RFATS) Board and Jose Luis said that he would accept the appointment.

Executive Session

Three 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 the disposal of property.
3. Receipt of legal advice subject to the attorney-client privilege related to County facilities' needs.

Charlene McGriff moved to go into Executive Session. Seconded by Jose Luis. The motion to go into Executive Session Passed 7-0. At approximately 7:23 p.m., Council went into Executive Session to discuss the items listed above.

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 8:07 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Brian Carnes. The motion to come out of Executive Session Passed 7-0.

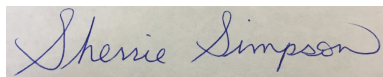
Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed three (3) items: (1) receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to land acquisition.; (2) receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the disposal of property; and (3) receipt of legal advice subject to the attorney-client privilege related to County facilities' needs. She stated that, during Executive Session, no motions were made and no votes were taken.

Adjournment

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

There being no further business, the regular meeting of Council adjourned at approximately 8:08 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on September 11, 2023



Billy Mosteller, Secretary