

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

June 13, 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; Kim Belk, Budget Director; Rox Burhans, Development Services Director; Veronica Thompson, Financial Services Director; Paul Moses, Airport Director; Darren Player, Emergency Management/Fire Rescue Director; Lisa Robinson, Human Resources Director; Suzette Murphy, Auditor; Hal Hiott, Parks and Recreation Director; Katherine Jones, Assistant Parks & Recreation 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 Billy Mosteller

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

Approval of the Agenda

Dennis Marstall introduced the new Assistant County Administrator, John Bodner, and the new Interim Economic

Development Director, James Mathis.

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff.

Billy Mosteller moved to amend the agenda to place the Executive Session briefing on the Classification and Compensation Study after Special Presentations and before Citizens Comments. Seconded by Charlene McGriff. Motion Passed 7-0.

Council voted to approve the agenda as amended by a vote of 7-0.

Special Presentations

Randy Duffy, Chair of the Accommodations Tax Advisory Committee, presented the recommendations from the State Accommodations Tax Advisory Committee. He stated the total disbursement would be approximately \$81,441.00. He explained that the Committee recommended funding the Carolinas Chili Championship in the amount of \$27,000; the Lindsay Pettus Greenway in the amount of \$9,300; the Lancaster County Council of Arts in the amount \$22,301; and the Indian Land Fall Festival in the amount of \$22,840.

Executive Session

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

1. Discussion of Personnel Matters: Classification and Compensation Study. SC Code 30-4-70(a)(1).

Allen Blackmon moved to go into Executive Session. Seconded by Larry Honeycutt. Motion Passed 7-0. At approximately 6:14 p.m., Council went into Executive Session to discuss one item: Discussion of Personnel Matters: Classification and Compensation Study, pursuant to South Carolina Code 30-4-70(a)(1).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 6:29 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council discussed personnel matters related to the classification and compensation study. He also noted that, during Executive Session, no votes were taken and no decisions were made.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments:

1. Kevin Garon, Indian Land, South Carolina, signed up to speak in regards to smart growth.
2. Rudy Schmidt, Lancaster, South Carolina, signed up to speak in regards to smart growth.
3. Tindal Yarborough signed up to speak but did not come forward when her name was called.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **8a.**, **8b.**, **8c.**, **8d.**, and **8e.** [which are the same as Item **a.**, Item **b.**, Item **c.**, Item **d.** and Item **e.** listed below]. Seconded by Charlene McGriff. Motion Passed 7-0.

- a. **Approval of Minutes from the May 11, 2022 County Council Committee Of The Whole Meeting**

- b. **Approval of Minutes from the May 23, 2022 County Council Regular Meeting**

- c. **3rd Reading of Ordinance 2022-1802 regarding Rezoning approximately 38.92 acres of Property from LDR to MDR (Applicant Gabriel Jon Hardy)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 38.92 Acres Of Property (TMS# 0069-00-071.00), Located At The Northwest Quadrant Of The Intersection Of Highway 9 And Catoe Road, From LDR, Low Density Residential District, To MDR, Medium Density Residential District. - *Planning Department Case Number: RZ-2022-0175.*

- d. **2nd Reading of Ordinance 2022-1807 regarding Rezoning Property from RN, Rural Neighborhood District to GB, General Business District (Applicant Robert Glenn Couch)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 0.728 Acres Of Property (TMS # 0081D-0B-011.00), Located At The Southeast Corner Of Old Dixie Road And Gardner Avenue, From RN, Rural Neighborhood District, To GB, General Business District. - *Planning Department Case Number: RZ-2022-0355.*

- e. **2nd Reading of Ordinance 2022-1808 regarding Rezoning Property from HDR, High Density Residential to MDR, Medium Density Residential District, for the Purpose of Creating a Single-Family Residential Development (Applicant Earl Coulston)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 43.57 Acres Of Property (TMS # 0141-00-024.00), Located At The Southeast Corner Of The Intersection Of Fork Hill Road And Little Dude Avenue, From HDR, High Density Residential District, To MDR, Medium Density Residential District. - *Planning Department Case Number: RZ-2022-0412.*

Non-Consent Agenda

Resolution 1199-R2022 regarding Endorsement of the Recommendations from State Accommodations Tax Advisory Committee

Resolution Title: A Resolution To Endorse The Recommendation Of The Lancaster County State Accommodations Tax Advisory Committee For The Distribution Of Funds From the State Accommodations Tax In Fiscal Year 2021-2022.

Terry Graham moved to approve. Seconded by Allen Blackmon.

Veronica Thompson stated Chairman Duffy presented recommendations for the Carolina Chil Championship, Indian Land Fall Festival, Lancaster Council of the Arts, and the Lindsay Pettus Greenway in the amount of \$81,441.00. Steve Harper asked if these were non-profit organizations and Veronica Thompson stated that they were. Charlene McGriff asked how this was publicized and Veronica Thompson explained that it was published in the Lancaster News, Kershaw News Era and the Carolina Gateway. Charlene McGriff explained that she would like to see more applicants for this funding.

Motion to approve Resolution 1199-R2022 Passed 7-0.

Resolution 1200-R2022 regarding Authorizing the Transfer of Funds within the General Fund for Emergency Repairs at the former EMS Headquarters

Resolution Title: A Resolution To Authorize The Transfer Of Funds Within The County General Fund; To

Authorize Actions Necessary To Effectuate The Purposes Of This Resolution; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve Resolution 1200-R2022. Seconded by Charlene McGriff. Motion Passed 7-0.

Resolution 1202-R2022 regarding Authorizing the Transfer of Funds within the Capital Project Sales Tax 2 Fund

Resolution Title: A Resolution To Authorize The Transfer Of Funds Within The County Capital Project Sales Tax 2 Fund; To Authorize Actions Necessary To Effectuate The Purposes Of This Resolution; And To Provide For Other Matters Related Thereto.

Larry Honeycutt moved to approve Resolution 1202-R2022. Seconded by Billy Mosteller. Motion Passed 7-0.

Resolution 1203-R2022 regarding Authorizing the Re-Direction and Expenditure of a Portion of The Proceeds of Lancaster County General Obligation Bonds, Series 2019

Resolution Title: A Resolution Authorizing The Re-Direction And Expenditure Of A Portion Of The Proceeds Of Lancaster County, South Carolina General Obligation Bonds, Series 2019; And Other Matters Relating Thereto.

Terry Graham moved to approve. Seconded by Brian Carnes.

There was discussion concerning damages to the new EMS Headquarters that occurred from the storm. Dennis Marstall stated the County will file an insurance claim for damages.

Motion to approve Resolution 1203-R2022 Passed 7-0.

Public Hearing and 3rd Reading of Ordinance 2022-1804 regarding Project Genesis: Conversion, Transfer and Amending of Cardinal Health Fee Agreement

Ordinance Title: An Ordinance Authorizing And Approving The Transfer Of A Fee In Lieu Of Tax Arrangement Between Lancaster County, South Carolina, And Project Genesis Company, As Successor To Cardinal Health 200, LLC, F/K/A Allegiance Healthcare Corporation, From A Title Transfer Arrangement Under Title 4, Chapter 12 Of The Code Of Laws Of South Carolina 1976, As Amended, To A Non-Title Transfer Arrangement Under Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended.

Charlene McGriff moved to approve. Seconded by Billy Mosteller.

Steve Harper opened the Public Hearing for Ordinance 2022-1804 at approximately 6:51 p.m.

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

There were approximately 8 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: None.

Steve Harper closed the Public Hearing at approximately 6:51 p.m.

Allen Blackmon moved to amend Ordinance 2022-1804 and all exhibits and documents included therein and associated therewith to conform with the final versions of those documents that have been presented to County Council as handouts. This motion to amend removes the "Project Genesis Company" code name and identifies the project industry as Nutramax. The final form of Ordinance 2022-1804 is attached as Schedule A to the written minutes in the Clerk to Council's office and was placed at Council's seats as a handout prior to the meeting. The final form of Exhibit A to Ordinance 2022-1804, the Converted Fee-In-Lieu of Taxation Agreement Between Lancaster County, South Carolina And Nutramax Distribution, LLC, is attached as Schedule B to the written minutes in the Clerk to Council's office and was placed at Council's seats as a handout prior to the meeting. Council also received red line versions of these documents. The motion to amend was seconded by Charlene McGriff. The motion to amend passed 7-0.

The 3rd Reading of Ordinance 2022-1804 as amended Passed 7-0.

Public Hearing and 3rd Reading of Ordinance 2022-1805 regarding Amending Existing Fee Agreement for Project Genesis

Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A Second Amendment To The Fee Agreement, Dated As Of _____, 20__ And Subsequently Amended As Of _____, 20__, By And Among Project Genesis Company Affiliate One, Project Genesis Company Affiliate Two, Project Genesis Company Affiliate Three, Project Genesis Company Affiliate Four, And Project Genesis Company Affiliate Five, And Lancaster County.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Steve Harper opened the Public Hearing for Ordinance 2022-1805 at approximately 6:55 p.m.

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

There were approximately 8 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: None.

Steve Harper closed the Public Hearing at approximately 6:55 p.m.

Brian Carnes moved to amend Ordinance 2022-1805 and all exhibits and documents included therein and associated therewith to conform with the final versions of those documents that have been presented to County Council as handouts. This motion to amend removes the "Project Genesis Company" code name and identifies the project industry as Nutramax. The final form of Ordinance 2022-1805 is attached as Schedule C to the written minutes in the Clerk to Council's office and was placed at Council's seats as a handout prior to the meeting. The final form of Exhibit A to Ordinance 2022-1805, the Second Amendment to 2018 Fee Agreement, is attached as Schedule D to the written minutes in the Clerk to Council's office and was placed at Council's seats as a handout prior to the meeting. Council also received red line versions of these documents. The motion to amend was seconded by Charlene McGriff. The motion to amend passed 7-0.

The 3rd Reading of Ordinance 2022-1805 as amended Passed 7-0.

Resolution 1201-R2022 regarding Approving the Sponsor Affiliates Under that Certain Fee Agreement and the First Amendment for Project Genesis

Resolution Title: A Resolution To Approve The Designation By [Project Genesis], As Sponsor, And [Project Genesis], As Sponsor Affiliate, Of [Project Genesis], As A Sponsor Affiliate Under That Certain Fee Agreement Dated As Of _____, 20__ And Subsequently Amended By A First Amendment Dated As Of _____, 20__.

Brian Carnes moved to approve. Seconded by Allen Blackmon.

Terry Graham moved to amend Resolution 1201-R2022 and all exhibits and documents included therein and associated therewith to conform with the final versions of those documents that have been presented to County Council as handouts. This motion to amend removes the "Project Genesis Company" code name and identifies the project industry as Nutramax. The final form of Resolution 1201-R2022 is attached as Schedule E to the written minutes in the Clerk to Council's office and was placed at Council's seats as a handout prior to the meeting. The motion to amend was seconded by Charlene McGriff. The motion to amend passed 7-0.

Motion to approve Resolution 1201-R2022 as amended Passed 7-0.

Public Hearing and 3rd Reading of Ordinance 2022-1806 regarding Authorization to Convey Real Property Owned by Lancaster County By Quit Claim Deed

Ordinance Title: An Ordinance Authorizing The Conveyance Of A Parcel Of Real Property Owned By Lancaster County (A Portion Of Tax Map 0141H-0A-003.00) By Quit Claim Deed To Effectuate, Ratify, And Confirm Prior Action By Lancaster County.

Steve Harper opened the Public Hearing for Ordinance 2022-1806 at approximately 6:59 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 8 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: None. Steve Harper closed the Public Hearing at approximately 6:59 p.m.

Billy Mosteller moved to approve. Seconded by Charlene McGriff.

The 3rd Reading of Ordinance 2022-1806 Passed 7-0.

2nd Reading of Ordinance 2022-1809 regarding Amending the Fiscal Year 2021-2022 Budget

Ordinance Title: An Ordinance To Amend Ordinance No. 2021-1741, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2021 And Ending June 30, 2022 (FY 2021-2022), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Brian Carnes moved to approve. Seconded by Charlene McGriff.

Larry Honeycutt moved to amend Ordinance 2022-1809 to include and incorporate One Hundred and Twenty Thousand Dollars (\$120,000.00) for payment of the settlement agreement in Civil Action 2021-CP-29-00160, the condemnation proceeding wherein Lancaster County acquired Regent Parkway. Seconded by Charlene McGriff. The motion to amend Passed 7-0.

Kim Belk noted, for the record, that the Public Hearing had to be moved to the 3rd Reading date of June 27, 2022 due to the amendment to the Ordinance. She noted that the Public Hearing date listed on the Ordinance would be corrected on the 3rd Reading.

The 2nd Reading of Ordinance 2022-1809 as amended Passed 7-0.

2nd Reading of Ordinance 2022-1803 regarding Consideration of the Fiscal Year 2022-2023 Budget

Ordinance Title: An Ordinance To Appropriate Funds And Approve A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (FY 2022-23); To Set Millage Rates For The Levy Of Ad Valorem Taxes; To Approve A Schedule Of Taxes, Fees And Charges For FY 2022-23; And To Provide For Matters Related Thereto.

Brian Carnes moved to approve. Seconded by Terry Graham.

Charlene McGriff moved to amend Ordinance 2022-1803 to incorporate the Sheriff's amended career ladder proposal, to remove any millage increase except what is needed in debt service, to reduce the budget by utilizing the proposals recommended by the County Administrator, and to include the fee schedule version which has impact fees adjusted for inflation using the construction cost index, those adjustments being made pursuant to the terms of per each of the impact fee enacting ordinances. Seconded by Billy Mosteller. The motion to amend Passed 7-0.

There was discussion regarding the airport. Dennis Marstall provided and reviewed a one page handout entitled "Lancaster County Airport Terminal Building Program Attachment A" and that handout is attached as Schedule F to the written minutes in the Clerk to Council's office. After discussion, Council agreed to discuss the funding of the Airport terminal further during the 3rd Reading of the budget.

The 2nd Reading of Ordinance 2022-1803 as amended Passed 5-2. Ayes: Carnes, Graham, Honeycutt, McGriff, Mosteller; Nays: Blackmon, Harper

1st Reading of Ordinance 2022-1812 regarding Approving Amended and Restated Economic Development Agreement with Don Construction Products

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of An Amended And Restated Fee Agreement By And Among Lancaster County And Don Construction Products, Inc., Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits With Respect To Certain Property In The County.

Brian Carnes moved to approve. Seconded by Larry Honeycutt.

Dennis Marstall explained that the Company was asking to extend their investment period from five (5) years to seven (7) years and that all other incentives would stay the same. Larry Honeycutt moved to extend the investment period from five (5) years to seven (7) years as requested. Seconded by Charlene McGriff. The motion Passed 7-0.

The 1st Reading of Ordinance 2022-1812 as amended Passed 7-0.

Discussion and Action Items

Approval of Appointments to various Boards or Commissions

- Deeda M. Coffey to the Historical Commission as an Advisor to fill an unexpired term that would end on 06/30/2025
- Ronald S. Patton to the Historical Commission as the District 4 Representative to fill an unexpired term that would end on 06/30/2023
- Sandra Lakatos to the Historical Commission as an Advisor to fill an unexpired term that would end on 06/30/2025
- Tim Hammond to the Historical Commission as the District 2 Representative to fill an unexpired term that would end on 06/30/2023
- William J. Morris to the Fire Commission as the Buford Fire Department Representative to fill a four year term that would expire on 06/30/2026 (1st Term)
- Thomas W. Lever to the Fire Commission as the Lancaster City Fire Department Representative to fill a four year term that would expire on 06/30/2026 (1st Term)
- Kelsi M. Lang to the Fire Commission as the Unity Fire Department Representative to fill a four year term that would expire on 06/30/2026 (1st Term)
- Christopher Miller to the Fire Commission as the Indian Land Fire Department Representative to fill a four year term that would expire on 06/30/2026 (1st Term)
- Marvin D. Catoe to the Fire Commission as the Tradesville Fire Department Representative to fill a four year term that would expire on 06/30/2026 (1st Term)

Larry Honeycutt moved to approve all appointments as listed. Seconded by Billy Mosteller. Motion Passed 7-0.

Status of items tabled, recommitted, deferred or held

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

Miscellaneous Reports and Correspondence

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

Citizens Comments

Chairman Harper allowed Tindal Yarborough to speak at the second Citizens Comments since she arrived to the meeting after the first Citizens Comments had taken place.

1. Tindal Yarborough, Lancaster, South Carolina, spoke regarding the homeless.

Executive Session

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

- 1. Legal Briefing regarding a Contractual Matter. SC Code 30-4-70(a)(2).***
- 2. Two Legal Briefings regarding Potential Pending or Threatened Litigation Matters. SC Code 30-4-70(a)(2).***

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 7:40 p.m., Council went into Executive Session to discuss three (3) items: a Legal Briefing regarding a Contractual Matter, pursuant to South Carolina Code 30-4-70(a)(2); and Two Legal Briefings regarding Potential Pending or Threatened Litigation Matters, pursuant to South Carolina Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:35 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received a legal briefing on a contractual matter and had two legal briefings regarding potential pending or threatened litigation matters. He also noted that, during Executive Session, no votes were taken and no decisions were made.

Brian Carnes moved to approve Change Order #3 for the Old Bailes Culvert Project, as revised in the amended Change Order #3 dated June 10, 2022, in the amount of \$144,268.00. Seconded by Charlene McGriff. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn the meeting. Seconded by Allen Blackmon. Motion Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:36 p.m.

Respectfully Submitted:

Approved by Council on June 27, 2022

Donna Greene

Donna Greene
Deputy Clerk to Council

A handwritten signature in dark ink, appearing to read "B Mosteller", is written over a horizontal line.

Billy Mosteller, Secretary