

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

May 23, 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; Kim Belk, Budget Director; Rox Burhans, Development Services Director; Veronica Thompson, Financial Services Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Jeff Catoe, Public Services Director; Lisa Robinson, Human Resources 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 Charlene McGriff

Charlene McGriff 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.

Allen.Blackmon moved to amend the agenda by deferring agenda item 10 a., the Resolution for the Change Order on the Old Bailes Road Culvert Project, to the June 13, 2022 County Council Meeting. Seconded by Brian Carnes. Motion Passed 7-0.

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

Executive Session

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).

Larry Honeycutt moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. At approximately 6:02 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 6:32 p.m. Larry Honeycutt 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 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. Melinda Cherry, Lancaster, South Carolina, signed up to speak in regards to vicious dogs and animal control.

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

Consent Agenda

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

- a. **Approval of Minutes from the April 28, 2022 County Council Budget Presentation and Committee Of The Whole Meeting**
- b. **Approval of Minutes from the May 9, 2022 County Council Regular Meeting**
- c. **2nd 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 2022-1804 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.

e. 2nd 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.

f. 2nd 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.

Non-Consent Agenda

Resolution 1196-R2022 regarding Consenting to an Assignment to Project Genesis of a Lease Agreement and an Inducement and Millage Rate Agreement for Cardinal Health 200, LLC

Resolution Title: A Resolution Consenting To An Assignment To Project Genesis Of A Lease Agreement And An Inducement And Millage Rate Agreement, Both Agreements By And Between Lancaster County, South Carolina And Cardinal Health 200, LLC.

Terry Graham moved to approve. Seconded by Brian Carnes.

Dennis Marstall stated this resolution moves the Economic Development incentives from an existing company to a new company while maintaining the same millage rate.

Motion to approve Resolution 1196-R2022 Passed 7-0.

Resolution 1198-R2022 regarding Establishing the Local Option Sales Tax Credit Factor

Resolution Title: A Resolution Establishing The Local Option Sales Tax Credit Factor For The 2022 Tax Year.

Brian Carnes moved to approve. Seconded by Terry Graham.

John DuBose stated the local option sales tax credit factor formula is derived by state law and establishes how Council uses the local option sales tax credit for 2022.

Motion to approve Resolution 1198-R2022 Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2022-1807 regarding Rezoning Property from Rural Neighborhood, RN, District to General Business, GB, 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.***

Rox Burhans reviewed property plans for Old Dixie Road and Gardner Avenue so that Trendsetters Salon could expand their current business.

Allen Blackmon asked if any complaints were received from surrounding neighbors and Rox stated there were none.

Steve Harper opened the Public Hearing for Ordinance 2022-1807 at approximately 6:44 p.m.

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

There were approximately 15 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 6:44 p.m.

Charlene McGriff made a motion to approve. Seconded by Allen Blackmon.

The 1st Reading of Ordinance 2022-1807 Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2022-1808 regarding Rezoning Property from High Density Residential, HDR, to Medium Density Residential, MDR, 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.***

Rox Burhans reviewed the rezoning request for Fork Hill Road and Little Dude Avenue. This rezoning request would move the property from high density residential (HDR) to medium density residential (MDR). Allen Blackmon stated his community was very excited about this project.

Steve Harper opened the Public Hearing for Ordinance 2022-1808 at approximately 6:50 p.m.

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

There were approximately 15 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 6:50 p.m.

Allen Blackmon made a motion to approve. Seconded by Larry Honeycutt.

The 1st Reading of Ordinance 2022-1808 Passed 7-0.

1st 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.

Charlene McGriff moved to approve. Seconded by Brian Carnes.

Kim Belk explained this would amend the 2021-2022 budget. She stated there were two items in the amendment

that have previously come before Council for approval: (1) the first one is from Pleasant Valley Fire District for schematic drawings costing \$40,000 for a future fire station and the funding for the project was approved to come from their Fee Fund Balance; and (2) the second item is related to costs associated with the Capital Project Sales Tax 3 Project, including the land acquisition costs for the new Detention Center that was also previously approved but never added because costs were unknown until recently. She noted that this amendment would correct the current year's budget.

The 1st Reading of Ordinance 2022-1809 Passed 7-0.

Public Hearing and 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.

Steve Harper stated there will be two (2) Public Hearings; one related to Ordinance 2022-1803 and one related to the proposed new fees for the fiscal 2022-2023 Budget.

Dennis Marstall stated the 2022-23 proposed budget reflects the correction from last meeting to submit a different pay structure along with an updated fees structure. Kim Belk stated an amendment to the proposed budget includes a 5% pay increase plus an additional 1% increase for employees below their minimum. She stated that change impacted the General Fund, the Stormwater Fund, two (2) Fire District Funds and the Airport Fund. Kim stated the budget is balanced and still reflects a one (1) mill increase in the Operating Budget and a two-tenths (.02) of a mill increase in the Capital Improvement Fund. She stated additionally there is a 1.1 mill increase in Debt Service as provided by the County Auditor. She stated staff is requesting an amendment to the fees schedule regarding Impact Fees (section 26.03), which would increase by 8.5% and be effective 7/1/2022.

Steve Harper opened the Public Hearing for Ordinance 2022-1803 at approximately 6:57 p.m.

He noted that no one 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: None.

Steve Harper closed the Public Hearing at approximately 6:58 p.m.

Steve Harper opened the Public Hearing for the Proposed New Fee Schedule at approximately 6:58 p.m.

He noted that no one 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: None.

Steve Harper closed the Public Hearing at approximately 6:58 p.m.

Charlene McGriff made a motion to approve. Seconded by Terry Graham.

Allen Blackmon stated he did not want a millage increase. He continued that Council has not looked at the past audit and that they have not gone through the general ledger account, line item by line item. He stated he embraced the Sheriff's request for full funding of his career ladder. Mr. Blackmon provided a handout to all Council members and that handout is attached as Schedule A to the written minutes in the Clerk to Council's Office. He stated he found \$1.1 million in savings.

Steve Harper reminded Council that the budget needed to be passed by 6/30/2022.

Allen Blackmon asked if Council agreed to no millage increase.

Billy Mosteller stated that he supported the 5% raises for employees, the Sheriff's career ladder, and funding of

the airport terminal. He continued that he would support cutting the marketing department and project manager position. He noted that he supported no millage increase.

Charlene McGriff explained that she supported the 5% pay increase plus 1% for employees below their minimum pay scale. She stated she supported investing in the airport. She stated that the County does not need to have random cuts but that she would be open to a discussion on cutting positions.

Larry Honeycutt stated the County's greatest asset was employees and that he favored the 5% increase plus 1% for employees below their minimum pay scale. He stated the County needed to invest in the airport. He also stated the County needed to cut the budget so there was no millage increase.

Terry Graham stated the County's greatest asset was employees, as well as taxpayers. He explained that he supported no millage increase. He stated his number one concern was public safety and that he wanted to support the Sheriff and the airport.

Brian Carnes stated Council needed to review the budget hard and to ask staff about ways to decrease the budget. He stated he would like to delay the vote and look at budget line items.

Dennis Marstall stated there was a proposal in the agenda materials that included the 5% increase and that cut the budget so there was no millage increase except debt service. He stated that staff came up with recommendations regarding staggering hiring positions and also made other adjustments. He explained in full detail how to get raises and balance the budget.

Charlene McGriff and Terry Graham withdrew their motion to approve and second.

Brian Carnes moved to defer second reading until the June 13, 2022 meeting. Seconded by Billy Mosteller. Motion Passed 7-0.

2nd Reading of Ordinance 2022-1799 regarding Amending the County Code Related to Certain Departments

Ordinance Title: An Ordinance To Amend The Lancaster County Code Related To Certain Departments To Provide Lancaster County Increased Flexibility In The Organizational Structure Of Lancaster County Government.

Charlene McGriff moved to approve. The motion died from a lack of a second.

The second reading of Ordinance 2022-1799 died on the floor.

Discussion and Action Items

There were no Discussion and Action Items to discuss during the Council meeting.

Status of items tabled, recommitted, deferred or held

- a. Resolution 1197-R2022 regarding a Change Order for Old Bailes Road Culvert Replacement - DEFERRED

Resolution Title: A Resolution To Approve Additional Funding For The Old Bailes Road Culvert Replacement Project.

Resolution 1197-R2022 was deferred to the June 13, 2022 Regular County Council meeting. See Approval of Agenda for Motion and vote.

Miscellaneous Reports and Correspondence

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

Citizens Comments

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

Executive Session

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

1. Three Legal Briefings regarding Potential Pending or Threatened Litigation Matters. SC Code 30-4-70(a)(2).

2. Discussion of a Proposed Contractual Matter. SC Code 30-4-70(a)(2).

Terry Graham moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 7:31 p.m., Council went into Executive Session to discuss the following items: (1) three legal briefings regarding potential pending or threatened litigation matters, pursuant to South Carolina Code 30-4-70(a)(2); and (2) discussion of a proposed contractual matter, 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 8:15 p.m. Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0.

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

Allen Blackmon moved to authorize settlement of the lawsuit 2021-CP-29-00160, Lancaster County vs. Regent Parkway Partners LLC, for the sum of One Hundred Twenty Thousand (\$120,000) Dollars. Seconded by Brian Carnes. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Allen Blackmon. Motion Passed 7-0.

There being no further business, the regular meeting of Council adjourned at approximately 8:16 p.m.

Respectfully Submitted:

Approved by Council on June 13, 2022

Donna Greene

Donna Greene
Deputy Clerk to Council



Billy Mosteller, Secretary

