

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 9, 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; Jamie Gilbert, Economic Development Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Hal Hiott, Parks & Recreation Director; Lisa Robinson, Human Resources Director; Scott Edgar, Stormwater County Engineer; Suzette Murphy, Auditor; 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 Terry Graham

Terry Graham led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Allen Blackmon moved to approve the agenda. Seconded by Brian Carnes. Motion Passed 7-0.

Special Presentations

Sheriff Barry Faile recognized and presented Corporal Lee Jesuele with the Medal of Valor from the South Carolina Sheriff's Association. Representative Brandon Newton then presented Corporal Lee Jesuele with a Joint Resolution from the South Carolina House of Representatives and the South Carolina Senate.

Jamie Gilbert provided the Lancaster Air Rail Park update. He stated that this project has been a focus area for Economic Development and with financial assistance, the County recently completed a 750 foot paved and 750 foot gravel extension of Mt. Nebo road. He stated the County needed pad ready sites. He stated Lancaster County received a \$300,000 grant from South Carolina Department of Commerce's Site Enhancement Fund. He continued that Council approved funding of \$318,450 towards the project, with a total project cost of \$842,830. He stated the available funds for the project are: Comporium - \$365,000; S.C. Site Enhancement - \$300,000; Duke Energy - \$50,000 and Lancaster County - \$318,450. He continued that the project falls within the estimated \$842,830 established project budget and the available funds exceed the estimated budget by \$190,620. He stated that as a result, Economic Development expects the County's commitment to be reduced to \$127,830. He stated work will begin in a few weeks.

Executive Session

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

- 1. Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***
- 2. Discussion of an Economic Development Matter: Project Genesis. SC Code 30-4-70(a)(5).***
- 3. Discussion of Personnel Matters: Classification and Compensation Study. SC Code 30-4-70(a)(1).***

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 6:16 p.m., Council went into Executive Session to discuss the following items: (1) a legal briefing regarding a pending or threatened litigation matter, pursuant to South Carolina Code 30-4-70(a)(2); (2) discussion of an economic development matter for Project Genesis, pursuant to South Carolina Code 30-4-70(a)(5); and (3) discussion of personnel matters related to the classification and compensation study, pursuant to South Carolina Code 30-4-70(a)(1).

Jamie Gilbert went into Executive Session at approximately 6:22 p.m.

Lisa Robinson went into Executive Session at approximately 6:35 p.m.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:24 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 a legal briefing on a pending or threatened litigation matter, discussed economic development matters, which would be Project Genesis, and 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

Steve Harper excused himself at approximately 7:25 p.m. before Citizen Comments to answer a phone call.

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

1. Melinda Cherry, Lancaster, South Carolina, signed up to speak in regards to viscous dogs and animal

control but left the meeting before Citizens Comments.

2. Steve Giagiakos, Lancaster, South Carolina, spoke in regards to local government.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **8a.** and **8b.** [as listed in the Agenda package, which are the same as Item **a.** and Item **b.** listed below]. Seconded by Larry Honeycutt. Motion Passed 6-0. Absent: Harper.

- a. **Approval of Minutes from the April 13, 2022 County Council Budget Workshop and Committee Of The Whole Meeting**
- b. **Approval of Minutes from the April 25, 2022 County Council Regular Meeting**

Non-Consent Agenda

Public Hearing and 1st 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.***

Rox Burhans stated this proposal would rezone a single parcel from low density residential to medium density residential and is approximately 39 acres located on the northwest corner of Pageland Highway and Catoe Road, with the intent to construct 79 lot subdivision. He stated a traffic impact analysis was not performed for the rezoning but one will be prepared for the preliminary plat approval if the rezoning were to be approved. He stated this parcel would be served by Lancaster County Water & Sewer District and the fire flows would need to be analyzed. He stated the Planning Commission and staff recommend approval of the rezoning. Billy Mosteller welcomed the growth in his district.

Steve Harper returned to the meeting at approximately 7:27 p.m.

Steve Harper opened the Public Hearing for Ordinance 2022-1802 at approximately 7:33 p.m.

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

There were approximately 19 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 7:33 p.m.

Larry Honeycutt made a motion to approve. Seconded by Billy Mosteller.

The first reading of Ordinance 2022-1802 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st 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.

Brian Carnes moved to approve. Seconded by Allen Blackmon.

Jamie Gilbert stated this ordinance transfers and converts the fee in lieu of tax agreement with Cardinal Health to Project Genesis. He stated the original agreement was a title agreement and would convert to a non-title agreement. He stated this company would purchase the building located at 785 Fort Mill Highway in Indian Land. He stated they would utilize the building for a new operation and their investment would be \$32 million and would create 240 new jobs. He continued that as part of the negotiations with the company to recruit the project here, which would be an expansion to an existing company already located in Lancaster County, there were several items discussed, the assessment rate on the building would go from 6% to 8% and retain the same millage rate of 285.5 mils and extend the agreement for an additional 10 years. He stated the value of the building would remain constant.

The first reading of Ordinance 2022-1804 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st 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.

Jamie Gilbert stated Project Genesis is an existing Lancaster County business that has a current fee agreement with Lancaster. He stated this ordinance will amend the current agreement to allow for the new investment of personal property that would take place at the Cardinal Health location. He stated this also would amend the current agreement to pick up that location as an eligible area and count towards the agreement and incentives we currently have with the company.

The first reading of Ordinance 2022-1805 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

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

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

Charlene McGriff moved to approve. Seconded by Allen Blackmon.

Dennis Marstall reviewed the handout presented with the agenda. He stated this is the third change order. He stated the first change order was for \$80,000 that dealt with precast reinforced box, the second change order was for a time extension and this change order is for \$245,000 due to hitting rock. Scott Edgar reviewed the change orders. He discussed what was happening with the project up to this point. He stated we didn't lose any flow area, it is ten (10) feet wide by twelve (12) feet high. Dennis Marstall stated the plan would be to pay for this change with the Stormwater reserve fund. There was discussion about the contract, the bidding process and why the County is liable. John DuBose stated there was a rock clause in the bid document.

Charlene McGriff withdrew her motion to approve. Allen Blackmon withdrew the second. Terry Graham moved to ask the County Attorney to review the contract. Seconded by Brian Carnes. Motion Passed 7-0.

1st 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.

Charlene McGriff moved to approve. Seconded by Allen Blackmon.

John DuBose stated this ordinance concerns property deeded to Lancaster County in 1982. He stated the property was described as three lots, each having 50 feet of road frontage, in addition to a separate eight (8) acre tract in Kershaw. The purpose of this conveyance was to create a park but that park never materialized. He stated the County quit claimed the property back to the original owner. He stated the deed omitted Lot 20 from the legal description. He stated it was the purpose of this ordinance to rectify the scrivener's error and confirm title to the current owners, who have paid taxes on the entire parcel for the past twenty (20) years.

The first reading of Ordinance 2022-1806 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st 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.

Charlene McGriff moved to approve. Seconded by Terry Graham.

Dennis Marstall stated the budget was presented at the April 28th Committee of the Whole meeting. Kim Belk highlighted the budget presentation and noted the proposed budget, as presented in the ordinance, is balanced with the millage increase of 3.9 mils, 2.6 mils in the General Fund, 0.2 mil in the Capital Improvement Fund, and 1.1 mils in the Debt Service Fund. She stated the approximate mil value is \$455,297. She stated the budget included (30) new positions and two (2) new funds: Capital Project Sales Tax 3 and Van Wyck Fire Protection Fee District. She stated there is also inclusion of five (5) funds that were not available at the April 28th presentation: Capital Project Sales Tax 2 funding for proviso roads; Capital Project Sales Tax 3 proforms for new detention center; State Accommodations Tax plan for next year; Pleasant Valley Fire District requested funding for a Chief position beginning in January; and Indian Land Fire District balanced using the fund balance. She stated there will need to be a larger discussion related to the Fire Service at the May 11 Committee of the Whole meeting. She noted the total budget is over \$125 million and is in balance. She stated the Public Hearing is scheduled for May 23rd, with third reading at the first meeting in June.

Charlene McGriff stated she is 100% in favor in bringing County employees to their minimum pay.

Charlene McGriff moved to amend to bring employees at grade 12 and below to their minimum and those employees higher than grade 12 get a 5% raise. Seconded by Brian Carnes to open discussion.

Council discussed the study from 2019 and how the study needs to be reviewed before moving forward. Allen Blackmon stated he was going to recommend a 5% pay increase for all employees and 1% extra if the employee is not at their minimum pay grade, and no tax increase for our taxpayers. Billy Mosteller agreed that no tax increase is needed for the taxpayers. He noted the employee raises should be done in increments.

Amendment Failed 1-6. Ayes: McGriff; Nays: Carnes, Graham, Harper, Honeycutt, Mosteller, Blackmon

Allen Blackmon moved to amend to give all employees a 5% increase and those employees under their minimum, give an additional 1% not to exceed their minimum. Seconded by Larry Honeycutt.

Council discussed that the study needs to be reviewed greater in depth. Brian Carnes asked that the study be

added to the next agenda. Steve Harper stated we can add this item to next month's agenda.

Amendment Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, Mosteller, Blackmon; Nays: McGriff

The first reading of Ordinance 2022-1803 Passed as Amended 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st 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. Seconded by Terry Graham to open discussion.

Dennis Marstall stated this item updates the ordinance related to ten (10) County departments that need to be cleaned up to address outdated terminology and staffing structures and provides the County Administrator more flexibility in organizing staff functions. Allen Blackmon stated he is not favor of the ordinance. He noted that in other counties, County Council hires the County Attorney.

There was discussion between staff and Council about the changes and what option Council would have if they were not agreeable with the changes. John DuBose stated any Council can make changes to previous actions of past Councils.

The first reading of Ordinance 2022-1799 Passed 5-2. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff; Nays: Mosteller, Blackmon

Discussion and Action Items

Authorization to Replace the roof and upfit the Old EMS Building at the Indian Land Recreation Center - Dennis Marstall

Dennis Marstall stated this item was discussed at the March Committee of the Whole Meeting. He continued that Council expressed concerns about the plans for the old EMS station located in front of the new Indian Land Rec Center. He stated the plan has always been for the old EMS building to be painted the same paint scheme and landscaped to match the new Indian Land Rec Center. He stated that when looking at the needs in that area, Parks & Recreation would be able to use the building for revenue producing services and the space could be rented. He noted the roof is approximately 30 years old and needed to be replaced. He stated the County could decide to wait for renovations. He stated if Council decided to renovate now, the estimated cost of this project would be \$850,000 to upfit the building. He noted the County has \$1.1 million in bond funding available from the original Fleet building bond. He stated his recommendation is to authorize the County Administrator to engage the architects and contractors and bring back a full funding plan that would identify the use of bond funds for that project.

Larry Honeycutt moved to authorize the County Administrator to engage the architects and contractors for the renovation project of the old EMS building. Seconded by Charlene McGriff. 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

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

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 9:07 p.m.

Respectfully Submitted:

Donna Greene

Donna Greene
Deputy Clerk to Council

Approved by Council on May 23, 2022

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

Billy Mosteller, Secretary