

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 Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

April 26, 2021

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.

Council Members absent: None.

Staff Members/Others present: Steve Willis, County Administrator; Kim Belk, Interim Deputy County Administrator/Budget Director; John DuBose, County Attorney; Angie Estridge, Acting Deputy Clerk to Council; Veronica Thompson, Chief Financial Officer; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; various Elected Officials; various Department Heads; various staff; the press; 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

Charlene McGriff moved to approve the agenda. Seconded by Brian Carnes. Motion Passed 7-0.

Special Presentations

There were no Special Presentations held during the meeting.

Executive Session

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

1. One Legal Briefing regarding a Contractual Matter. SC Code 30-4-70(a)(2).

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 the following item: (1) one legal briefing regarding a contractual matter, pursuant to SC Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 6:25 p.m. Allen Blackmon 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 one legal briefing regarding a contractual matter. He explained that, during Executive Session, no votes were taken and no decisions were made.

Citizens Comments

The following citizens signed up to speak during Citizens Comments:

1. John P. Baker, Heath Springs, South Carolina, spoke regarding Ordinance 2021-1728.
2. Mitch Tingiris, Lancaster, South Carolina, spoke regarding euthanizing injured animals. He provided Council with a written copy of his remarks and a picture and that two page handout is attached as Schedule A to the written minutes in the Clerk to Council's office.
3. Ned Blackmon, Lancaster, South Carolina, spoke regarding Ordinance 2021-1728.

Steve Willis acknowledged, for the record, the following written comments that were submitted for Citizens Comments:

1. Evan Freeman, Indian Land Action Council President, Indian Land, South Carolina, wrote in favor of Impact Fees. Council Members received a copy of his written comments and those comments are attached as Schedule B to the written minutes in the Clerk to Council's office.
2. Jane Tanner, Indian Land, South Carolina, wrote in favor of Impact Fees. Council Members received a copy of her written comments and those comments are attached as Schedule C to the written minutes in the Clerk to Council's office.
3. Donna Sigman, Van Wyck, South Carolina, wrote in favor of Impact Fees. Council Members received a copy of her written comments and those comments are attached as Schedule D to the written minutes in the Clerk to Council's office.
4. Bjorn Hansen, Fort Mill, South Carolina, wrote in favor of Impact Fees. Council Members received a copy of his written comments and those comments are attached as Schedule E to the written minutes in the Clerk to Council's office.
5. Jim and Anne French, no address provided, wrote in favor of Impact Fees. Council Members received a copy of their written comments and those comments are attached as Schedule F to the written minutes in the Clerk to Council's office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **8a.**, **8b.**, **8c.**, **8d.**, **8e.** and **8f.** [as listed in the Agenda packet, 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 12, 2021 County Council Regular Meeting

b. 3rd Reading of Ordinance 2021-1727 regarding Adopting the Pilot Traffic Calming Program Guidebook

Ordinance Title: An Ordinance To Adopt The Lancaster County South Carolina Pilot Traffic Calming Program Guidebook, Dated December 2020.

c. 2nd Reading of Ordinance 2021-1719 regarding Accutrex Expansion Fee In Lieu Of Tax and Special Source Revenue Credits

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Accutrex Products, Inc. Precision Parts Division Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

d. 2nd Reading of Ordinance 2021-1729 regarding Rezoning Property of Matthew & Heather Ellis from Rural Business (RUB) to Rural Residential (RR)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of 6815 Shiloh Unity Road (TMS # 0054-00-029.04) From RUB, Rural Business District, To RR, Rural Residential District

e. 2nd Reading of Ordinance 2021-1730 regarding Rezoning Property of Matthew & Heather Ellis from Rural Residential (RR) to Rural Business (RUB)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of Old Camden Monroe Highway (TM # 0054-00-029.05) From RR, Rural Residential, To RUB, Rural Business District.

f. 2nd Reading of Ordinance 2021-1731 regarding a Quit Claim Title to Real Property for an Unnamed Road that Extends From Norfolk Drive to Lynwood Drive

Ordinance Title: An Ordinance Authorizing Lancaster County To Quit Claim Title To Real Property For An Unnamed Road That Extends From Norfolk Drive To Lynwood Drive.

Non-Consent Agenda

Resolution 1148-R2021 regarding Lancaster County Council Expressing Its Support of 2nd Amendment Rights

Resolution Title: A Resolution By Lancaster County Council Expressing Its Support Of Second Amendment Rights.

Allen Blackmon moved to approve Resolution 1148-R2021. Seconded by Larry Honeycutt. Motion Passed 6-1. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, Mosteller; Nays: McGriff

Resolution 1149-R2021 regarding Unique Loom Fee Agreement Sponsor Affiliate Addition

Resolution Title: A Resolution To Approve The Unique USA, Inc., Designation Of 793 FMH, LLC, As A Sponsor Affiliate Under That Certain Fee Agreement By And Between Lancaster County, South Carolina, And Unique USA, Inc., As Sponsor, Dated As Of December 30, 2020.

Terry Graham moved to approve Resolution 1149-R2021. Seconded by Brian Carnes. Motion Passed 7-0.

Public Hearing and 3rd Reading for Ordinance 2021-1705 Regarding Adoption of Procedures for the Imposition, Calculation, Collection, Expenditure and Administration of Impact Fees

Ordinance Title: An Ordinance Adopting Procedures For The Imposition, Calculation, Collection, Expenditure And Administration Of Impact Fees To Be Imposed On New Development; Providing A Purpose And Intent; Providing Definitions; Providing General Provisions And Applicability; Providing For The Establishment Of Impact Fee Accounts; Providing For The Appropriation Of Impact Fee Funds; Providing For Refunds; Providing For Appeals; Providing For Conflict; Providing For Severability; And Providing An Effective Date.

Steve Willis noted, for the record, that no one signed up to speak at the Public Hearing for Ordinance 2021-1705. Steve Harper opened the Public Hearing for the Ordinance at approximately 6:49 p.m.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for this Ordinance: None.

Steve Harper closed the Public Hearing at approximately 6:49 p.m.

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2021-1705. Seconded by Terry Graham.

Billy Mosteller indicated that he was against Impact Fees for commercial businesses. Allen Blackmon stated that he was going to support Impact Fees, but he requested that Council consider reducing building permit fees at some time in the future in order to offset the impact on retail.

Brian Carnes moved to amend the adoption of Ordinance 2021-1705 to include the attached 3rd Reading Ordinance attached to the agenda packet. Seconded by Terry Graham. The motion to amend Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Blackmon; Nays: Mosteller.

The motion to approve the 3rd Reading of Ordinance 2021-1705 as amended Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Blackmon; Nays: Mosteller.

3rd Reading for Ordinance 2021-1725 regarding Adopting a Parks & Recreation Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Parks & Recreation Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Parks & Recreation Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Parks & Recreation Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Parks & Recreation Facilities On A Proportionate Share Basis To New Development.

Brian Carnes moved to defer the 3rd Reading of Ordinance 2021-1725 until June 28, 2021 so that the County's Capital Improvement Plan can be finalized and updated and presented for 3rd Reading. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1722 regarding Adopting a Fire Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Fire Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Fire Facilities (Fire Stations And Fire Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Fire Facilities And Capital Improvements Plan (CIP), And To Assign

The Costs Of Such Fire Facilities On A Proportionate Share Basis To New Development.

Brian Carnes moved to defer 2nd Reading of Ordinance 2021-1722 until June 28, 2021, and that staff be directed to work with the consultant and legal counsel to prepare a proposed 2nd Reading version of the ordinance for consideration by County Council that amends the fee area to include the geographic areas of the Indian Land, Pleasant Valley and Van Wyck Fire Districts. Seconded by Larry Honeycutt. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1723 regarding Adopting An Emergency Medical Services (EMS) Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting An Emergency Medical Services ("EMS") Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That EMS Facilities (EMS Stations And Emergency Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For EMS Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such EMS Facilities On A Proportionate Share Basis To New Development

Charlene McGriff moved to defer 2nd Reading of Ordinance 2021-1723 until June 28, 2021, and that staff be directed to work with the consultant and legal counsel to prepare a proposed 2nd Reading version of the ordinance for consideration by County Council that amends the fee area to only include the geographic areas of the Indian Land, Pleasant Valley and Van Wyck Fire Districts. Seconded by Allen Blackmon. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1724 regarding Adopting a Sheriff Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Sheriff Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Sheriff Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Sheriff Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Sheriff Facilities On A Proportionate Share Basis To New Development

Larry Honeycutt moved to defer the 3rd Reading of Ordinance 2021-1724 until June 28, 2021, so that the County's Capital Improvement Plan can be finalized and presented for 3rd Reading. Seconded by Charlene McGriff.

John DuBose explained that if Council wanted to amend the fee area for the Ordinance then they would need to make a motion to that effect.

Larry Honeycutt moved to defer 2nd Reading of Ordinance 2021-1724 until June 28, 2021, and that staff be directed to work with the consultant and legal counsel to prepare a proposed 2nd Reading version of the ordinance for consideration by County Council that amends the fee area to only include the geographic areas of the Indian Land, Pleasant Valley and Van Wyck Fire Districts. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved.

Terry Graham recused himself from the discussion and vote on the 2nd Reading of Ordinance 2021-1728. His

Statement of Recusal is on file with the written minutes in the Clerk to Council's office and is attached to those minutes as Schedule G. Terry Graham left Chambers at approximately 7:03 p.m.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2021-1728. Seconded by Charlene McGriff.

Rox Burhans reviewed the history of the Ordinance and he provided and reviewed a one page handout (front and back) entitled, "Outdoor Shooting Range Regulations - Other County Jurisdictions," and that handout is attached as Schedule H to the written minutes in the Clerk to Council's office. Rox Burhans also reviewed the suggestions previously made by John Baker and their impact on the proposed Ordinance. He also explained possible next steps for Council and discussed the scope of work for the proposed Ordinance.

John DuBose reviewed and discussed the possible exemption of Concealed Weapon Permit instructors from the Ordinance and he advised that it would be legally difficult and that there are possible equal protection concerns.

Allen Blackmon suggested breaking the Ordinance down into smaller categories so that Council could deal with one issue at a time. Larry Honeycutt agreed and moved to table the 2nd Reading of Ordinance 2021-1728. Allen Blackmon pointed out that there were two primary motions on the floor and Larry Honeycutt stated that he made an amendment to the motion to approve.

Brian Carnes withdrew his motion to approve and Charlene McGriff withdrew her second.

Larry Honeycutt moved to table the 2nd Reading of Ordinance 2021-1728 until each category is laid out. Seconded by Charlene McGriff.

After discussion, Larry Honeycutt withdrew his motion to table the Ordinance and Charlene McGriff withdrew her second.

Larry Honeycutt moved to defer the 2nd Reading of Ordinance 2021-1728 until after a Committee of the Whole meeting. Seconded by Charlene McGriff. The motion to defer Passed 6-0.; Abstain: Graham.

Terry Graham came back into Chambers and rejoined the Council meeting at approximately 7:42 p.m.

1st Reading of Ordinance 2021-1732 regarding Amending the Bylaws of the Historical Commission

Ordinance Title: An Ordinance To Amend Chapter 2, Article XI, Division 2 Of The Lancaster County Code Of Ordinances Entitled, "Historical Commission," To Provide Necessary Updates To The Language Of Various Applicable Ordinances.

Brian Carnes moved to approve the 1st Reading of Ordinance 2021-1732. Seconded by Charlene McGriff.

Council discussed the need for consistency between various Boards and Commissions, the reduced quorum requirement and a due date for the annual report.

Joe Grier, Chair of the Historical Commission, spoke regarding the difficulties of getting quorums for the meetings.

Brian Carnes suggested that the Chair send out emails to all of the Commission members informing them that the absentee policy is going to be enforced moving forward and that they should let him know whether they are still interested in serving on the Commission.

The motion to approve the 1st Reading of Ordinance 2021-1732 Passed 7-0.

Discussion and Action Items

Approval of Appointments to various Boards or Commissions

- Sheresa Ingram to the Board of Zoning Appeals as the District 5 representative to fill an unexpired term that will end on 06/30/2021 and to fill a first four year term that will expire on 06/30/2025 (1st Term)
- Michael Brian Elliott to the Airport Advisory Board as the District 6 representative to fill an unexpired term that will end on 06/30/2023

Allen Blackmon moved to approve both appointees. Seconded by Charlene McGriff. Motion Passed 7-0.

Report on Mount Nebo Road Project - Steve Willis/Jamie Gilbert

Steve Willis explained that the cost estimate for the Mount Nebo road extension has come in over budget. Jamie Gilbert explained that the County would need to fund an additional \$21,459.00 from General Fund balance or from Reserve funds for the project. Allen Blackmon moved that the County fund the additional \$21,000.00 for the project out of Fund balance and/or the Grant Match fund. Seconded by Brian Carnes. Motion Passed 7-0.

Status of items tabled, recommitted, deferred or held

- a. HELD - Public Hearing (Delayed and Will Be ReAdvertised) and 3rd Reading of Ordinance 2021-1726 regarding Adoption of the Capital Improvement Plan
Ordinance Title: An Ordinance To Adopt The Lancaster County Capital Improvements Plan 2021 Through 2031 As Recommended By The Lancaster County Planning Commission. - ***Passed 6-1 at the March 22, 2021 County Council Meeting (Allen Blackmon Opposed). Passed 6-1 at the April 12, 2021 County Council Meeting (Allen Blackmon Opposed). - Kim Belk***

This item was not discussed during the Council meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

- a. Request For Proposals (RFP) for Owner's Representative for the Detention Center Project

Steve Willis explained that he wanted to make Council aware that the Request For Proposals (RFP) for the Owner's Representative for the Detention Center project would be going out shortly and that he wanted Council to see it before it was sent out for publication.

Citizens Comments

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

Executive Session

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

1. ***One Legal Briefing regarding a Pending or Threatened Litigation Matter. 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 8:08 p.m., Council went into Executive Session to discuss the following item: (1) one legal briefing regarding a pending or threatened litigation matter, pursuant to SC Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:20 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

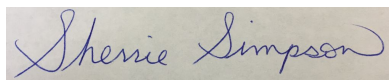
Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council had

one legal briefing on a threatened or pending litigation matter. He explained that, during Executive Session, no decisions were made and no votes were taken.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Charlene McGriff. Motion to adjourn Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:21 p.m.

Respectfully Submitted:

A handwritten signature in blue ink that reads "Sherrie Simpson".

Sherrie Simpson
Clerk to Council

Approved by Council on May 10, 2021

A handwritten signature in black ink that reads "Billy Mosteller".

Billy Mosteller, Secretary