

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

April 22, 2024

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, Billy Mosteller.

Council Members Absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Allison Hardin, Development Services Director; Jeff Catoe, Public Services Director; Amy Carnes, Economic Development Coordinator; Andrew Pack with Woolpert; Michael Seezen with Burr Forman Law Firm; 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 within 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 Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting, especially the winners of the Art Contest and the visitors from the Lancaster County School District.

Pledge of Allegiance and Invocation - Council Member Allen Blackmon

Allen Blackmon 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. The motion to approve the agenda Passed by unanimous vote of 7-0.

Citizens Comments

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

1. Odell Steele, Chester, SC, spoke regarding the Comprehensive Plan and his request to change the future land use map for approximately 900 acres of property that he owns off of Grace Avenue and Bethel Road. He stated that he felt the property was not suited for the Rural zoning district as it is currently designated, but that it would be a better fit for the Growth designation;
2. Nancy Archer, Indian Land, SC, spoke regarding a business the faces Highway 521 and which connects to the Brookchase neighborhood. She noted that the business is used as a dump site which has caused rodent problems in the Brookchase neighborhood; and
3. Robin Willis, Lancaster, SC, spoke regarding traffic safety on East Park Drive.

The following citizen submitted an electronic, written comment for Citizens Comments, of which Council received a physical copy at their seats and which was acknowledged during the meeting by Sherrie Simpson, Clerk to Council:

1. Ro Harris, Lancaster County, SC, wrote in requesting that Council add Juneteenth (June 19th) as an observed or floating holiday for County employees and the comments are attached as Schedule A to the written minutes in the Clerk to Council's office.

Special Presentations

Dennis Marstall explained that as part of National County Government month, the County partnered with the School District and sponsored an Art Contest for elementary age students. He recognized the winners of the contest: (1) the group winners were from Clinton Elementary school - Ileya Montz, Javariona Nelson, Siera Cunningham, Karson Rodriguez, Aaliyah Bailey; and (2) the individual winner was from Harrisburg Elementary School - Ruhi Anand. Mr. Marstall also recognized the teachers that helped the students: (1) Mr. Sam Farris from Clinton; and (2) Ms. Jessie Massie from Harrisburg.

Dennis Marstall recognized the nominees for Employee of the Quarter for the 1st Quarter, which were Gary Baker, Scott Carmichael, Donna Greene, Billy Lloyd, Cheyanne Martin, and Jonathon Payne. He explained that there were two categories for Employee of the Quarter: (1) General Government, and (2) Public Safety. He noted that the winner for the General Government Employee of the Quarter for the 1st Quarter was Gary Baker with Communications and Marketing and the Public Safety Employee of the Quarter for the 1st Quarter was Billy Lloyd with Fire Rescue.

Stephany Snowden provided an update on the Regional Park via the County power point presentation. She provided a timeline for the Park and discussed the planning process for the Park. Council and staff discussed the cross country trail amenity and noted that the Park does not belong to the Roselyn subdivision.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.** and Item **7b.** *[which are the same as Item a. and Item b. listed below]*. Seconded by Charlene McGriff. All of the Consent Agenda Items listed on the agenda Passed by unanimous vote of 7-0.

a. **Approval of Minutes from the April 8, 2024 County Council Regular Meeting**

b. **2nd Reading of Ordinance 2024-1904 regarding Amending the Fiscal Year 2023-2024 Budget regarding a Departmental Budget Transfer**

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. - *Passed 7-0 at the April 8, 2024 County Council Meeting. - Sabrena Harris*

Non-Consent Agenda

Resolution 1259-R2024 Transfer of Fee Agreement Between Unique USA, Inc, 793 FMH, LLC and 793 Fort Mill Acquisition, LLC

Resolution Title: A Resolution For Lancaster County To Formally Approve The Transfer of Fee Agreement Between Unique USA, Inc., 793 FMH, LLC, And 793 Fort Mill Acquisition, LLC.

Brian Carnes moved to approve Resolution 1259-R2024. Seconded by Billy Mosteller. Amy Carnes provided a review of the requested fee agreement transfer, which can be found in the Agenda Item Summary of the agenda packet. Council and staff discussed that this Company has both a Fee In Lieu of Tax (FILOT) agreement and a Special Source Revenue Credit (SSRC) agreement, that the Company is not adding an affiliate but is rather doing a transfer of the agreement, and that the Company's FILOT and SSRC are linked in the Resolution. Council took a vote on the motion to approve and Resolution 1259-R2024 Passed by unanimous vote of 7-0.

3rd Reading of Ordinance 2024-1900 regarding Adoption of the Lancaster 2040 Comprehensive Plan

Ordinance Title: An Ordinance To Adopt An Updated Comprehensive Plan Titled *Lancaster 2040 Comprehensive Plan*; And To Provide For Matters Related Thereto.

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2024-1900. Seconded by Terry Graham. Allison Hardin provided information regarding the Comprehensive Plan via the County power point presentation. She reviewed the areas in the Plan where a minimum acreage was mentioned. Council and staff discussed how this minimum acreage requirement might affect citizens. Ms. Hardin explained that Council could remove the requirements for minimum acreage out of the Agriculture and Timber Land Use Category and the Rural Land Use Category by removing one sentence. Jose Luis moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing both of the following sentences from the Comprehensive Plan: (1) in the Agriculture and Timber Land Use Category: "To preserve this land, the use of the major subdivision process for residential development should not be allowed and the minimum lot size should be five acres; and (2) in the Rural Land Use Category: "Major subdivisions should be allowed in Rural areas, with a three acre minimum lot size, and minor subdivisions should have a one acre minimum lot size." Seconded by Allen Blackmon. The motion to amend Passed by unanimous vote of 7-0.

Allison Hardin explained that the Planning staff agreed with Mr. Odell Steele's citizen comment and that his land use would be better supported by Growth than by Rural zoning. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan and the future land use map by changing the land use for the Odell Steele property from Rural zoning to Growth zoning. Seconded by Brian Carnes. Council and staff discussed that the Planning staff needed to obtain maps from the Lancaster County Water and Sewer District so that they could more accurately ascertain where Growth should be located on maps and in plans. The motion to amend Passed by a vote of 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nays: Luis.

Council discussed concurrency. They discussed whether concurrency should only apply to the Panhandle area, that Council needed a clearer understanding of the concept of concurrency, the assignment of development rights, who would make the decisions regarding concurrency, what other municipalities or counties are using

concurrency, and the impact that concurrency could have on other areas of the County. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing concurrency references from the document, but asked staff to study concurrency separately from the Comprehensive Plan. Seconded by Billy Mosteller. Council and staff discussed whether Council could add concurrency back into the document at a later date. The motion to amend and remove concurrency from the document Passed by a vote of 4-3. Ayes: Blackmon, Harper, McGriff, Mosteller; Nays: Carnes, Graham, Luis.

Jose Luis moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing references to the assignment of development rights from the document. Seconded by Brian Carnes. The motion to amend and remove the assignment of development rights from the document Passed by unanimous vote of 7-0.

Council discussed removing the compensation study and climate change from the document. Allen Blackmon moved to amend Ordinance 2024-1900 and the Comprehensive Plan by removing references to the Compensation Study and any future employment possibilities from the document. Seconded by Billy Mosteller. The motion to amend and remove the compensation study and future employment positions from the document Passed by unanimous vote of 7-0.

The motion to approve the 3rd Reading of Ordinance 2024-1900 as amended Passed by a vote of 5-2. Ayes: Blackmon, Carnes, Harper, McGriff, Mosteller; Nays: Graham, Luis

1st Reading of Ordinance 2024-1897 regarding Adding Property to the Edgewater II Improvement District

Ordinance Title: An Ordinance To Add Certain Property To The Edgewater II Improvement District; And To Provide For Other Matters Relating Thereto

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1897. Seconded by Allen Blackmon. Dennis Marstall introduced Michael Seezen, outside counsel for the County with Burr Forman Law Firm. Mr. Seezen explained that this Ordinance would modify the Edgewater II Improvement District and he provided a history of the District. He noted that the developers were asking to add approximately 3.4 acres of property to the District so that the developers could develop the same number of lots as they originally agreed upon. Council and staff discussed that the purpose of adding property at this time was that the developer was looking at lot lines and if this was not done now, then they might have to develop fewer lots than originally planned or they might have to reconfigure some lots. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1897 Passed by unanimous vote of 7-0.

1st Reading of Ordinance 2024-1899 regarding Amending the Lancaster County Code Relating to Personnel Policies

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Specifically Chapter 2, Article IV, Relating To The Lancaster County Personnel Policy.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1899. Seconded by Brian Carnes. Ginny Merck-Dupont explained that this Ordinance was removing the current ordinance that requires Council to adopt personnel policies by ordinance so that Council can update and adopt future personnel policies via resolution. She explained that on 3rd reading of this Ordinance, Council would adopt the new and revised personnel policies via Resolution so that there would not be any lapse in the policies. Council and staff discussed the fact that Council members wanted a physical copy of the entire document of the new personnel policies and that there should be a different avenue for grievances with the County Administrator. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1899 Passed by unanimous vote of 7-0.

Discussion and Action Items

CTC Appointment Process - Dennis Marstall

Dennis Marstall explained that the current process that the Council has used for appointments to the County Transportation Committee (CTC) has been that they would vote to nominate and recommend an appointment to the Lancaster Legislative Delegation. However, the members are actually appointed by the Legislative Delegation. He noted that, in the past, the appointments had not been by District. Council and staff discussed that, in order to be fair, the appointments should be by District and that, in the past, Council worked to ensure that the entire County was represented via their nominations. They also noted that if the appointments are made by District, then it would take politics out of the appointments. Council and staff stated that they would wait to hear from the Legislative Delegation in regards to future appointments if there is a vacancy on the Committee.

Status of items tabled, recommitted, deferred or held

- a. HOLD - 2nd Reading of Ordinance 2024-1893 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 2 and Amending Nonmetallic Mineral Product Manufacturing from Permitted with Review to a Conditional Use
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2 To Amend “Nonmetallic Mineral Product Manufacturing” From A Use Permitted With Review (PR) To A Conditional Use, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein - ***Passed 7-0 at the February 12, 2024 County Council Meeting. - Allison Hardin***
- b. HOLD - 2nd Reading of Ordinance 2024-1896 regarding Amending the Unified Development Ordinance (UDO) related to the Removal of "Amusement, Indoor" and "Amusement, Outdoor" From the Use List for Light Industrial (LI) Districts
Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2, Section 5 Use Table, To Remove The Uses “Amusement, Indoor” And “Amusement, Outdoor” From The Use List For Light Industrial (LI) Districts, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein - ***Passed 4-3 at the March 11, 2024 County Council Meeting (Brian Carnes, Steve Harper, and Jose Luis Opposed). - Allison Hardin***
- c. HOLD - 1st Reading of Ordinance 2024-1898 regarding Amending the Lancaster County Code Relating to Parliamentary Procedures / Rules of Procedure for Meetings
Ordinance Title: An Ordinance To Amend The Lancaster County Code, Relating To Parliamentary Procedures/Rules Of Procedure For Council Meetings, Including Committee Meetings, And All Boards And Commissions For Which County Council Appoints A Majority Of Members. - ***By a Vote of 6-0, 1st Reading Postponed (Allen Blackmon Absent). - Dennis Marstall / Ginny Merck-Dupont***

There was no discussion during the meeting regarding the status of any items that had been tabled, recommitted, deferred or held.

Executive Session

Three Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters bay.
3. Receipt of legal advice subject to the attorney-client privilege regarding legal services.

Steve Harper stated that he needed a motion to go into Executive Session for the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora; the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters Bay; and the receipt of legal advice subject to the attorney-client privilege regarding legal services; and to invite the Economic Development staff into Executive Session to discuss the first matter and the Deputy County Administrator into Executive Session to discuss the second matter. Charlene McGriff stated that she moved to go into Executive Session. Seconded by Brian Carnes. The motion to go into Executive Session Passed by unanimous vote of 7-0. At approximately 7:49 p.m., Council went into Executive Session.

Items Requiring a Vote Following Executive Session

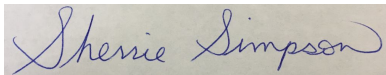
Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:34 p.m. Terry Graham moved to come out of Executive Session. Seconded by Charlene McGriff. The motion to come out of Executive Session Passed by unanimous vote of 7-0.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Aurora; the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters Bay; and the receipt of legal advice subject to the attorney-client privilege regarding legal services. She stated that during Executive Session, no motions were made and no votes were taken.

Adjournment

Charlene McGriff moved to adjourn the regular meeting of County Council. Seconded by Brian Carnes. The motion to adjourn the meeting Passed by unanimous vote of 7-0. There being no further business, the regular meeting of Council adjourned at approximately 8:35 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on May 13, 2024



Billy Mosteller, Secretary