

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 11, 2023

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, and Billy Mosteller.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; John Bodner, Assistant County Administrator; Sherrie Simpson, Clerk to Council; Veronica Thompson, Financial Services Director; Allison Hardin, Interim Planning Director; Dr. April Williams, Library Director; Sheriff Barry Faile; Clay Catoe; EMS Director; Jeff Catoe; Public Services Director; Brian Fulk, Economic Development Director; Chris Clouden, Parks & Recreation Director; Natalie Bowers, Communications & Marketing Specialist; the press; 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 led by Zoey Engel, granddaughter of Billy Mosteller, and Invocation led by Billy Mosteller

Zoey Engel, granddaughter of Councilmember Billy Mosteller, led the Pledge of Allegiance to the American Flag and Billy Mosteller delivered the Invocation.

Approval of the Agenda

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

Special Presentations

Dennis Marstall recognized April as National County Government Month. He stated the theme for this year was *Counties RISE*. He recognized two outstanding employees who have given 50 years of service to Lancaster County. He congratulated and thanked Nancy Berry, who works with Del Webb Library, and Wayne Willis, who works with EMS as a paramedic, on their years of service to the County.

Dennis Marstall then recognized the EMS Department for winning two state awards at their annual conference at Myrtle Beach. He recognized John Kennington for receiving the South Carolina EMT of the Year Award. He then recognized the Lancaster County PIER (Public Information and Education Resource) Team, which consists of Greg Brasington, Brian Collins, Jamie Deason, and Monica Graham. He explained that they received the South Carolina PIER Team of the Year Award. Monica Graham represented the PIER Team and accepted the award.

Dennis Marstall stated that County employees were being recognized for their outstanding job performance this month as well by being nominated for RISE awards. The following employees were nominated for and won overall RISE awards for each of the following categories: R for Resiliency, which was presented to Cathy McDaniel in Procurement for stepping up and performing job duties in Payroll when the County was short staffed; and I for Innovative, which was presented to Jeff Catoe in Public Works for developing a program to upgrade a creek crossing that saved taxpayer funds and prevented flooding. He explained that the overall award winner for the RISE awards was presented to Angie Estridge, Receptionist for the County, because she always greets taxpayers with a smile and goes out of her way to assist citizens.

Allison Hardin introduced Vagn Hansen, the consultant with Benchmark. He reviewed the power point presentation regarding the Lancaster 2040 Comprehensive Plan, which is attached as Schedule A to the written minutes in the Clerk to Council's office. This review pertained to the future land use concepts. Council and staff discussed the panhandle area that has both commercial and residential growth.

Citizens Comments

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

1. Tindall Yarborough, Lancaster, SC, spoke regarding the homelessness problem in Lancaster County.

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

Consent Agenda

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

Allen Blackmon made a motion to amend the minutes from the 3/15/2023 Strategic Plan Workshop Meeting. He noted that the minutes had him abstaining from voting on adjourning and he would like those changed to show he voted in favor of adjourning. Seconded by Brian Carnes. Motion to Amend Passed 7-0.

Motion to Approve the Consent Agenda as Amended Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

- a. **Approval of Minutes from the March 15, 2023 Strategic Plan Workshop Meeting**
- b. **Approval of Minutes from the March 15, 2023 Committee of the Whole Meeting**
- c. **Approval of Minutes from the March 27, 2023 County Council Regular Meeting**
- d. **2nd Reading of Ordinance 2023-1842 regarding Authorization of a Special Source Revenue Credit Agreement with Project Spider**

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And [An Entity Previously Identified By The County As Project Spider], Including Any Related Or Affiliated Entities, Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - *Passed 6-0 at the March 27, 2023 County Council Meeting (Charlene McGriff Absent). - Brian Fulk*

Non-Consent Agenda

Resolution 1233-R2023 regarding Approval of Settlements for Opioid Litigation

Resolution Title: A Resolution To Approve The Five National Opioid Settlements With Defendants Teva, Allergan, CVS, Walgreens, And Walmart And The South Carolina Opioid Settlement Allocation Agreement As Amended.

Brian Carnes moved to approve. Seconded by Allen Blackmon.

Dennis Marstall stated that this agreement would be structured so that the County would receive \$5.8 million over a 15 year period for opioid addiction treatment and medication. He stated the funds would have to be applied for on an annual basis for a different level of funding each year. He continued that the funding is very prescribed about what the state says you can apply for and the funding that is not spent will be rolled over to the next year.

Motion to approve Resolution 1233-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Resolution 1234-R2023 regarding Authorization of the Final Design of the Detention Center at a Cost of Approximately 90 Million Dollars

Resolution Title: A Resolution Authorizing The Lancaster County Administrator To Proceed With The Final Design Of The Detention Center Project At A Cost Of Approximately \$90,000,000

Charlene McGriff moved to approve. Seconded by Billy Mosteller.

Dennis Marstall stated the latest design was presented to have a core facility and bed spaces. He noted that the facility could be expanded. He explained that this vote would provide the authorization to move to final bid documents and design documents. He further explained that the classification system for prisoners has changed. He stated the Sheriff wanted the facility accredited, which requires a higher level of design. He stated they wanted officer safety, but were also concerned about inmate safety. He stated that the new facility would also address different areas for the following: mental health services; health services; food services; and other services based on the different classifications.

Charlene McGriff asked about the timeline and Dennis Marstall stated groundbreaking would be next Spring. Steve Harper stated he was concerned that the citizens did not vote for a jail that has doubled in cost. Allen Blackmon stated that he supports the project and believes it would be imperative to move forward. Brian Carnes also believes the previous plan the County had was not adequate and believes the County is headed in the right direction. Brian Carnes asked Sheriff Faile about bail reform and Sheriff Faile stated if the bill in the legislature passes, then the County could expect a twenty percent increase in inmates.

Motion to approve Resolution 1234-R2023 Passed 6-1. Ayes: Blackmon, Carnes, Graham, Luis, McGriff, Mosteller; Nays: Harper.

Public Hearing and Resolution 1232-R2023 regarding Approval of Conditional Use Permit for Tidal Wave Auto Spa

Resolution Title: A Resolution To Approve The Favorable Recommendation Of Both The Lancaster County Planning Staff And The Lancaster County Planning Commission Of A Conditional Use Application To Permit A Minor Maintenance And Repair (Auto) To Be Located Upon Tax Map # 0013-00-015.00), At 4138 Doby's Bridge Road For The Purpose Of Developing An Automated Car Wash. - ***Planning Case Number: CU-2022-2447.***

Allison Hardin reviewed the County power point presentation regarding a conditional use permit for a minor maintenance and repair facility. Council and staff discussed the Highway 521 and Doby's Bridge Road access to the business.

Steve Harper opened the Public Hearing for Resolution 1232-R2023 at approximately 7:03 p.m. He noted that no one signed up to speak at the Public Hearing for the Resolution. There were approximately 18 citizens in attendance during the Public Hearing for this Resolution. 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 7:03 p.m.

Allen Blackmon moved to approve. Seconded by Charlene McGriff.

The motion to approve Resolution 1232-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Public Hearing and 1st Reading of Ordinance 2023-1843 Regarding Amending the Unified Development Ordinance for Building Height Requirements (Applicant Lancaster County Water And Sewer District)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.4, Building Heights, To Exempt Lancaster County Water & Sewer District (LCW&SD) Water Tank Towers From Height Regulations And Alter Setback Requirements For The Towers On The Effective Date Of This Ordinance - ***Planning Case Number: UDO-TA-2023-0188.***

Allison Hardin reviewed the County power point presentation regarding amending the Unified Development Ordinance (UDO) for Building Height Requirements. Tim Kizer, professional engineer with Lancaster County Water and Sewer District, spoke regarding problems with water tanks if Highway 521 gets widened. He stated there are no problems because they have prior rights and deal with moving water lines. He stated there was plenty of room for road widening and tanks were designed to higher standards than other building standards and no cell antennas were allowed on their tanks.

Steve Harper opened the Public Hearing for Ordinance 2023-1843 at approximately 7:15 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 16 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 7:15 p.m.

Billy Mosteller moved to approve. Seconded by Charlene McGriff.

The motion to approve 1st Reading of Ordinance 2023-1843 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Steve Harper requested this Ordinance stay on the Non-Consent Agenda.

1st Reading of Ordinance 2023-1844 regarding Approval of an Easement for Duke Power

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located At 1140 Elliott Street Bearing Tax Parcel Number 0082D-0K-020.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance.

Brian Carnes moved to approve 1st Reading of Ordinance 2023-1844. Seconded by Charlene McGriff.

Dennis Marstall stated this easement would not interrupt any of our athletic fields nor have a negative impact on our property on Elliott Street. He recommended approval of the easement. Allen Blackmon questioned that granting the easement gives enough ingress and egress to be able to tear up our property. They discussed that the Ordinance addresses damages to property.

The 1st Reading of Ordinance 2023-1844 Passed 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: Blackmon.

1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights

Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures.

Brian Carnes moved to approve 1st Reading of Ordinance 2023-1846. Seconded by Charlene McGriff.

John Bodner presented criteria for County Council to consider when naming or renaming County property and facilities.

There were discussions about using living individuals versus deceased individuals; businesses and businesses that become defunct or that merge; and the need to have language to remove or change the name based upon new circumstances.

Allen Blackmon made a motion to postpone and bring back to an upcoming Committee of the Whole meeting and then back to Council at a June meeting. Seconded by Jose Luis. The Motion to Postpone Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

The 1st Reading of Ordinance 2023-1846 was postponed to an upcoming Committee of the Whole meeting.

Discussion and Action Items

Approval of Appointments to Various Boards or Commissions for District 4

- Maureen Johnson as the District 4 Representative on the Keep Lancaster County Beautiful Committee to fill an unexpired term that would end on 06/30/2023 AND to fill a four year year term that would expire on 06/30/2027 (1st Term)
- M. David Aspesi as the District 4 Representative on the Recreation Advisory Board to fill an unexpired term that would end on 06/30/2023 AND to fill a four year year term that would expire on 06/30/2027 (1st Term)
- Gary Wayne Alden as the District 4 Representative on the Board of Zoning Appeals (BZA) to fill an unexpired term that would end on 06/30/2023 AND to fill a four year year term that would expire on 06/30/2027 (1st Term)
- Kelly Collins as the District 4 Representative on the Health and Wellness Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year year term that would expire on 06/30/2027 (1st Term)

Charlene McGriff moved to approve the appointments as listed. Seconded by Allen Blackmon. The motion to

approve the appointments Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Status of items tabled, recommitted, deferred or held

- a. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 2nd Reading of Ordinance 2022-1831 regarding Rezoning Property Located at 4263 Doby's Bridge Road, Indian Land, SC, from Low Density Residential District (LDR) to Institutional District (INS) to Allow Development of a Daycare Facility
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.84 Acres (TM# 0013-00-024.00) Located At 4263 Doby's Bridge Road, Indian Land, From Low Density Residential (LDR) District To Institutional (INS) District. - ***Planning Department Case Number: RZ-2022-1759. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Public Hearing held at the November 14, 2022 County Council Meeting but 1st Reading deferred until the January 9, 2023 County Council Meeting. Passed 5-2 at the January 9, 2023 County Council Meeting (Opposed Jose Luis and Billy Mosteller). 2nd Reading Postponed until the June 12, 2023 County Council Meeting by a vote of 6-1 (Opposed Jose Luis). - Allison Hardin***

There were no discussions regarding the status of items tabled, recommitted, deferred or held.

Miscellaneous Reports and Correspondence

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

Executive Session

One Item:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition.

Terry Graham moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None. At approximately 7:38 p.m., Council went into Executive Session to discuss the one (1) item listed above.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 8:02 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Jose Luis. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Items Requiring a Vote Following Executive Session

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed one (1) item: receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition. She stated no decisions were made in Executive Session and no votes were taken.

Adjournment

Allen Blackmon moved to adjourn. Seconded by Jose Luis. Motion Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 8:03 p.m.

Respectfully Submitted:

Approved by Council on April 24, 2023

Donna Greene

Donna Greene
Deputy Clerk to Council

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

Billy Mosteller, Secretary