

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 8, 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, Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, and Jose Luis.

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; Allison Hardin, Development Services Director; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Amy Carnes, Economic Development Coordinator; Jeff Catoe, Public Works Director; Brenda Thompson, Communications and Marketing Director and Public Information Officer; the press; 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.

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

Citizens Comments

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

1. Kenneth Blackmon, Lancaster, SC, spoke in opposition to the rezoning on Potter Road;
2. B.J. Laney, Indian Land, SC, spoke in opposition to Ordinance 2024-1902 or the Dogwood Trail Lane rezoning request;
3. Sherry Laney, Indian Land, SC, spoke in opposition to Ordinance 2024-1902 or the Dogwood Trail Lane rezoning request and her comments are attached as Schedule A to the written minutes in the Clerk to Council's office;
4. Nancy Fleming, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
5. Steve Willis, Lancaster, SC, spoke regarding census data and his comments are attached as Schedule B to the written minutes in the Clerk to Council's office;
6. Sandra W. Trull, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
7. Adam Blackmon, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
8. Lorie Blackmon, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
9. Roger Wolford, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
10. Nancy Alexander, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request;
11. Angela Lockridge, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request; and
12. Kevin Stogner, Lancaster, SC, spoke in opposition to Ordinance 2024-1901 or the Lynwood Drive rezoning request.

The following citizens submitted electronic, written comments for Citizen Comments, of which Council received physical copies at their seats and which were acknowledged during the meeting by Sherrie Simpson, Clerk to Council:

1. Elaine Bulman, Indian Land, SC, wrote in regarding her concerns about response times for emergency services for Riverchase Estates and her comments are attached as Schedule C to the written minutes in the Clerk to Council's office;
2. Nancy Fleming, Lancaster, SC, wrote in regarding her opposition to the rezoning request on Lynwood Drive and her comments are attached as Schedule D to the written minutes in the Clerk to Council's office;
3. Robbie Reed, Lancaster, SC, wrote in regarding his opposition to the rezoning requests on Lynwood Drive and his comments are attached as Schedule E to the written minutes in the Clerk to Council's office;
4. Janice & Larry Hopper, Lancaster, SC, wrote in regarding their support for the concurrency clause in the Comprehensive Plan and their comments are attached as Schedule F to written minutes in the Clerk to Council's office;
5. Elaine Bulman, Indian Land, SC, wrote in regarding the need for more than the allowed three minutes to speak at Citizens Comments and her comments are attached as Schedule G to the written minutes in the Clerk to Council's office;
6. Glenn Trutner, Lancaster, SC, wrote in regarding his support for the concurrency clause in the Comprehensive Plan and his comments are attached as Schedule H to the written minutes in the Clerk to Council's office;
7. Jackie Baker, Lancaster, SC, wrote in regarding her support for the concurrency clause in the

Comprehensive Plan and her comments are attached as Schedule I to the written minutes in the Clerk to Council's office;

8. Gary Jackson, Lancaster, SC, wrote in regarding his opposition to the Lynwood Drive rezoning request and his comments are attached as Schedule J to the written minutes in the Clerk to Council's office; and
9. Jen Tsonas and Chuck Howard, Lancaster, SC, wrote in regarding their support for the concurrency clause in the Comprehensive Plan and their comments are attached as Schedule K to the written minutes in the Clerk to Council's office.

Special Presentations

Dennis Marstall and Jeff Catoe recognized Lannie Funderburk for his forty (40) years of service to Lancaster County.

Consent Agenda

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

- a. **Approval of Minutes from the March 13, 2024 County Council Committee of the Whole Meeting**
- b. **Approval of Minutes from the March 25, 2024 County Council Regular Meeting**

Non-Consent Agenda

3rd Reading of Ordinance 2024-1894 regarding Rezoning Property Located at 1348 North Rocky River Road from Rural Business (RUB) District to General Business (GB) District (Applicant John Thompson)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 2.659 Acres Of TM# 0058-00-064.00, Which Is Located At 1348 N. Rocky River Rd, From Rural Business (RUB) District To General Business (GB) District - ***Planning Department Case Number: RZ-2023-2125.***

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2024-1894. Seconded by Billy Mosteller. Allison Hardin noted that the required survey had been completed, which changed the number of acres to be rezoned to 2.659 instead of the previously listed 3.82 acres. The 3rd Reading of Ordinance 2024-1894 Passed by unanimous vote of 7-0.

Public Hearing and 3rd Reading of Ordinance 2024-1895 regarding Amending the Fiscal Year 2023-2024 Budget

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.

Sabrena Harris reviewed the budget amendment with Council.

Steve Harper opened the Public Hearing for Ordinance 2024-1895 at approximately 6:41 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 44 citizens, including staff members, 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 6:41 p.m.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2024-1895. Seconded by Charlene McGriff. There was no further discussion from Council. The 3rd Reading of Ordinance 2024-1895 Passed by unanimous vote of 7-0.

2nd 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.

Terry Graham moved to approve the 2nd Reading of Ordinance 2024-1900. Seconded by Charlene McGriff.

Allison Hardin reviewed the changes made to the Comprehensive Plan that were approved at the 1st Reading via the County power point presentation. Billy Mosteller expressed his concerns regarding the requirement of five (5) acres for a house in the agricultural zoning. He moved to amend the Comprehensive Plan requirements for a house from five (5) acres to one (1) acre. Seconded by Terry Graham. Council discussed the need to make this change throughout the entire document. Allison Hardin explained that she would review all restrictions for acreage in the document and review that with Council at 3rd Reading to see if they would like to make any changes at that time. Billy Mosteller withdrew his motion to amend and Terry Graham withdrew his second.

Council and staff discussed the plan for the Carolina Threadtrail and concurrency standards. Allen Blackmon noted for the record that the map on page 1 versus the map on page 26 that placed more rural area in the Greater Lancaster area is more appropriate for the Southern Lancaster area and would equalize the population so that there could be three (3) distinct standards for the three (3) groups in the Unified Development Ordinance (UDO), that he did not believe that the document should include or create a County transportation planner position, and that it should not mention flex work options because positions and flex work options should be a function of Human Resources. He noted that for these reasons he could not support the adoption of the Plan. Terry Graham called for the vote.

Council and staff discussed the need for Council's approval regarding the transfer of development rights and concurrency. They also discussed controlling growth, road infrastructure, and the need for staff to look at flexible parking for redevelopment or a special area plan. Brian Carnes clarified that he was not opposed to the Carolina Threadtrail.

The 2nd Reading of Ordinance 2024-1900 Passed by a vote of 5-2. Ayes: Carnes, Graham, Harper, Luis, McGriff; Nays: Blackmon, Mosteller.

Public Hearing and 1st Reading of Ordinance 2024-1901 regarding Rezoning Approximately 124.2 Acres Located at 2421 Lynwood Drive from Low Density Residential (LDR) District to Medium Density Residential (MDR) District (Applicant Franklin Craig on behalf of Upstate Palmetto Holdings LLC and B&C Land Holdings LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 124.2 Acres (TM# 0102-00-017.03) Located At 2421 Lynwood Dr From Low Density Residential (LDR) District To Medium Density Residential (MDR) District. - ***Planning Department Case Number: RZ-2023-2099.***

Steve Harper stated that he was recusing himself from this matter as a result of a conflict of interest in that he may have a potential financial interest in the outcome of the voting on the matter as he owns properties in this area of Lancaster County. His Statement of Recusal is on file with the Clerk to Council and is attached as Schedule L to the written minutes in the Clerk to Council's office. Steve Harper turned the meeting over to Vice-Chair Brian Carnes and left Chambers at approximately 7:12 p.m. Brian Carnes took over the duties of Chair of the meeting during Steve Harper's absence.

Allison Hardin reviewed the Lynwood Drive rezoning request via the County power point presentation. Council and staff discussed whether the development would be a cluster development, cluster subdivisions, wetlands, density, drainage issues on the property, that there was no open space for children in the proposed plan, overflow parking, traffic, reasons for staff approval for the rezoning request, and that the school board did not provide input on the proposed development.

Brian Carnes opened the Public Hearing for Ordinance 2024-1901 at approximately 7:28 p.m. There were approximately 35 citizens, including staff members, 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: (1) Jim Barnett, Lancaster, SC, spoke regarding his concerns about the rezoning request. He asked Council not to let what happened in Indian Land, happen in Lancaster and suggested that Council consider Impact Fees throughout the County. He noted his concerns that the sketch plan was inappropriate and asked Council to take control of the southern end of Lancaster County. After her spoke, Brian Carnes closed the Public Hearing at approximately 7:30 p.m.

Terry Graham moved to approve the 1st Reading of Ordinance 2024-1901. Seconded by Charlene McGriff. Council and staff discussed Impact Fees South of Highway 5. The 1st Reading of Ordinance 2024-1901 Failed by a vote of 0-6. Ayes: None; Nays: Blackmon, Carnes, Graham, Luis, McGriff, Mosteller; Abstain: Harper.

Steve Harper rejoined the meeting at approximately 7:31 p.m. and resumed his duties as Chair of the meeting.

Public Hearing and 1st Reading of Ordinance 2024-1902 regarding Rezoning Property Located at 126 Dogwood Trail Lane, Indian Land, from Medium Density Residential (MDR) District to Neighborhood Business (NB) District (Applicant Judy Anderson)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 0.50 Acres (TM# 0013-00-080.02) Located At 126 Dogwood Trail Ln From Medium Density Residential (MDR) District To Neighborhood Business (NB) District. - *Planning Department Case Number: RZ-2024-0269.*

Allison Hardin reviewed the Dogwood Trail Lane rezoning request via the County power point presentation. Council and staff discussed access on Dogwood Trail Lane, the narrowness of the road, and the uses allowed in Neighborhood Business zoning.

Steve Harper opened the Public Hearing for Ordinance 2024-1902 at approximately 7:38 p.m. He noted that no one signed up to speak at the Public Hearing. There were approximately 23 citizens, including staff members, 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 7:38 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1902. Seconded by Alan Blackmon, so the matter could be brought to the floor. Council and staff discussed how narrow Dogwood Trail Lane was, why the Planning Commission denied the request, the type of business currently near the property and also owned by the applicant, and the current access on Dogwood Trail Lane. The 1st Reading of Ordinance 2024-1902 Failed by unanimous vote of 0-7

1st 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.

Brian Carnes moved to approve the 1st Reading of Ordinance 2024-1904. Seconded by Charlene McGriff. Sabrena Harris reviewed the budget amendment request and explained that it was an interdepartment transfer in

Public Works, Road Department from the signage line item to the stone line item. Council asked that they be given the number of interdepartmental transfers under \$20,000 made during the year. The 1st Reading of Ordinance 2024-1904 Passed by unanimous vote of 7-0.

Discussion and Action Items

Discussion of Additional Conditions for Nonmetallic Mineral Product Manufacturing - Allison Hardin

Council is being asked to provide feedback regarding additional conditions for nonmetallic mineral product manufacturing (asphalt plants) as it relates to pending ordinance 2024-1893.

Allison Hardin reviewed the current and proposed conditions for Asphalt Plants in the Unified Development Ordinance (UDO) via the County power point presentation. She provided a seven (7) page handout to Council regarding the Lancaster High Industrial Zones and River Buffer Impacts and that handout is attached as Schedule M to the written minutes in the Clerk to Council's office. She discussed the difference between setbacks and separation.

Council and staff discussed the Kershaw County ordinance, having a possible sign-off of compliance for the standards, the metrics for the Department of Health and Environmental Control (DHEC) for odors and air quality, possible separation requirements from the river, hours of operation, and water testing. Staff will bring back a proposed Ordinance to amend the UDO.

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***
- d. HOLD - 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. - ***By a Vote of 6-0, 1st Reading Postponed***

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

Executive Session

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding revised personnel policies.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Unique USA, Inc.

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 revised personnel policies, and for the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Unique USA, Inc., and to invite the Director of Economic Development 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 8:12 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 9:03 p.m. Allen Blackmon 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.

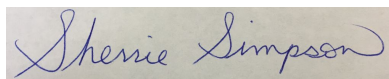
Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding revised personnel policies, and received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Unique USA, Inc. She stated that during Executive Session, no motions were made and no votes were taken.

Adjournment

Jose Luis moved to adjourn the regular meeting of County Council. Seconded by Brian Carnes. The motion to adjourn Passed by unanimous vote of 7-0. There being no further business, the regular meeting of Council adjourned at approximately 9:04 p.m.

<Signatures follow on next page>

Respectfully Submitted:

A handwritten signature in blue ink that reads "Sherrie Simpson". The signature is written in a cursive style with a large, looping 'S'.

Sherrie Simpson
Clerk to Council

Approved by Council on April 22, 2024

A handwritten signature in black ink that reads "Billy Mosteller". The signature is written in a cursive style with a large, looping 'B'.

Billy Mosteller, Secretary