

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

March 27, 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, and Billy Mosteller.

Council Members absent: Charlene McGriff.

Staff Members/Others present: Dennis Marstall, County Administrator; John Bodner, Assistant County Administrator; Ginny Merck-Dupont, County Attorney; Donna Greene, Deputy Clerk to Council; Brenda Thompson, Communications and Marketing Director; Allison Hardin, Interim Planning Director; Jeff Catoe, Public Works Director; Scott Edgar, County Engineer; Chris Clouden, Parks & Recreation Director; Paul Moses, Airport Director; Major Matt Shaw, Lancaster Sheriff's Office; Ken Holt, Holt Consulting; David Hooper, Rock Hill-Fort Mill Area Transportation Study; various Department Heads; various elected officials; 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 County 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

Councilmember 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 to approve the agenda Passed 6-0. Absent: Charlene McGriff

Special Presentations

Jeff Catoe, Public Works Director, and Mark Shumpert, KCI Technologies, reviewed the County power point presentation on the Solid Waste Study Phase II. They reviewed the current convenience sites, the size and capacity of the sites, and proposed new sites, including a replacement for the Lynwood Drive site. They discussed the Lancaster County Water and Sewer District reservoir property on Kershaw Camden Highway. Jeff Catoe stated the water is handled by South Carolina Department of Natural Resources. Council requested the value of the buildings already on the Water and Sewer District property.

David Hooper, Rock Hill-Fort Mill Area Transportation Study Director, and Bradley Reynolds, Engineer with WSP, USA, reviewed the County power point presentation on the Highway 521 Corridor Study. This update provided widening options and intersection changes being considered and whether to add one lane in each direction in the corridor. Council stated they would like to see more data. Mr. Hooper also discussed the different funding options.

Citizens Comments

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

1. Darrell Catoe, Lancaster, SC, spoke regarding the nuisance of the Stacks property located at 1062 Garnette Road; and
2. Donnie Sims, Lancaster, SC, did not come forward when his name was called to speak; and
3. Don Blackmon, Lancaster, SC, spoke regarding the nuisance of the Stacks property located at 1062 Garnette Road; and
4. Robin Hayes, Lancaster, SC, spoke regarding the nuisance of the Stacks property located at 1062 Garnette Road; and
5. Devin Waiters, Indian Land, SC, spoke regarding Ordinance 2023-1840 regarding connectivity; and
6. Gwendolyn Brown James, Lancaster, SC, spoke regarding Ordinance 2023-1840 regarding connectivity; and
7. Tasha Brown Dixon; Lancaster, SC, spoke regarding Ordinance 2023-1840 regarding connectivity.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.** and **7b.** [which are the same as Item **a.** and **b.** listed below]. Seconded by Terry Graham.

Motion to Approve the Consent Agenda Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Naves: None; Absent: McGriff

- a. **Approval of Minutes from the March 13, 2023 County Council Regular Meeting**
- b. **Resolution 1230-R2023 regarding Approval of the Grant Match for Lancaster County Parks and Recreation Department PARD (Parks And Recreation Development Fund) Grant**

Resolution Title: A Resolution To Direct County Staff To Take Appropriate Action To Move Forward With The Park And Recreation Development Fund Project Agreement, To Execute Such Other Documents As May Be Necessary And Convenient, And To Take Any Other Action As May Be Needed To Carry Into Effect This Resolution.

Non-Consent Agenda

Resolution 1231-R2023 regarding Project Spider Inducement Resolution

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Special Source Revenue Credit Agreement With An Entity Identified By The County As Project Spider, Including Any Related Or Affiliated Entities; To Provide The General Terms Of The Special Source Revenue Credit Agreement; And To State The Commitment Of Lancaster County To Place Property Owned or Leased By Project Spider In A Multi-County Industrial Or Business Park.

Brian Carnes moved to approve. Seconded by Terry Graham.

Brian Fulk stated this was an office relocation that has been in business over 40 years and has committed to hire 125 new employees over a five year period. He stated the property was to be placed in a multi-county park. Council and staff discussed the need for clarification over the new hire commitment by the company.

Motion to approve Resolution 1231-R2023 Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff

1st 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.

Allen Blackmon moved to approve 1st Reading of Ordinance 2023-1842. Seconded by Billy Mosteller.

Brian Fulk added that the company would like to move the Public Hearing and 3rd Reading to May 22nd. Jose Luis requested clarification on the new hire expected number of 167 versus the committed number of 125. Mr. Fulk stated he would speak with the attorney.

The 1st Reading of Ordinance 2023-1842 Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff

3rd Reading of Ordinance 2023-1840 regarding Amending the Unified Development Ordinance (UDO) regarding Section 6.4.1., Connectivity

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Section 6.4.1, Connectivity, To Modify Standards Pertaining To The Maximum Number Of Lots Which Take Access From A Road Where One End Is Permanently Closed On The Effective Date Of This Ordinance - *Planning Department Case Number: UDO-TA-2022-2602.*

Brian Carnes moved to approve 3rd Reading of Ordinance 2023-1840. Seconded by Allen Blackmon.

Allison Hardin reviewed the County power point presentation and recommended passing 3rd reading of the ordinance which would allow Planning and Public Works time to correct some issues with the road hierarchy within the rural areas without creating issues in the Panhandle area.

The 3rd Reading of Ordinance 2023-1840 Passed 5-1. Ayes: Blackmon, Carnes, Graham, Harper, Mosteller; Nays: Luis; Absent: McGriff

Allen Blackmon made a motion to instruct staff to proceed with developing a street hierarchy ordinance as soon as possible for Council to vote on. Mr. Blackmon stated this will allow Council to move forward with resolving some issues before the final write of the Unified Development Ordinance. Seconded by Jose Luis. Motion passed 6-0. Absent: McGriff

1st Reading of Ordinance 2023-1841 regarding Amending the Unified Development Ordinance (UDO) regarding Chapters 2 and 4 related to standards for Medium Density Residential District and Cluster Subdivision Overlay District

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapters 2 And 4: Standards For Medium Density Residential District And Cluster Subdivision Overlay District On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2022-2606.***

Terry Graham moved to approve 1st Reading of Ordinance 2023-1841. Seconded by Brian Carnes.

Allison Hardin recommended denying this ordinance so that each chapter could be brought back separately and Council could give clarity on what they would like individually for medium density residential districts and cluster developments.

The 1st Reading of Ordinance 2023-1841 Failed 1-5. Ayes: Graham; Nays: Blackmon, Carnes, Harper, Luis, Mosteller; Absent: McGriff

Brian Carnes made a motion to instruct staff to split the ordinance and bring back to Council as two separate ordinances. Seconded by Billy Mosteller. Jose Luis moved to amend the motion to have the ordinances completed in two months. Seconded by Allen Blackmon. The Motion to Amend Passed 5-1. Ayes: Blackmon, Carnes, Harper, Luis, Mosteller; Nays: Graham; Absent: McGriff. The Motion to split the ordinance into two separate ordinances as Amended Passed 5-1. Ayes: Blackmon, Carnes, Harper, Luis, Mosteller; Nays: Graham; Absent: McGriff

Discussion and Action Items

Approval of Appointment to Animal Shelter Advisory Board

- Dr. Brent Glenn as the Veterinarian/Veterinary Service Representative on the Animal Shelter Advisory Board to fill a four year year term that will expire on 06/30/2026 (2nd Term)

Brian Carnes moved to approve the reappointment as listed. Seconded by Billy Mosteller. The motion to approve Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff

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

Four Items:

- 1. Receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation.***
- 2. Receipt of legal advice subject to the attorney-client privilege regarding proposed contractual arrangements for sponsorships and naming rights for the Parks and Recreation Department.***
- 3. Receipt of legal advice subject to the attorney-client privilege regarding a proposed contractual matter regarding the Old Bailes Road project.***
- 4. Receipt of legal advice subject to the attorney-client privilege regarding a proposed contractual matter regarding the Airport.***

Brian Carnes moved to go into Executive Session. Seconded by Jose Luis. Motion Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff. At approximately 8:25 p.m., Council went into Executive Session to discuss the four (4) items listed above.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:38 p.m. Jose Luis moved to come out of Executive Session. Seconded by Billy Mosteller.

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 four (4) items: receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation; receipt of legal advice subject to the attorney-client privilege regarding proposed contractual arrangements for sponsorships and naming rights for the Parks and Recreation Department; receipt of legal advice subject to the attorney-client privilege regarding a proposed contractual matter regarding the Old Bailes Road project; and receipt of legal advice subject to the attorney-client privilege regarding a proposed contractual matter regarding the Airport. She stated no decisions were made in Executive Session and no votes were taken.

Brian Carnes made a motion to approve revised change order #4 for the Old Bailes Road Project in the amount of \$123,472. Seconded by Billy Mosteller. Allen Blackmon amended the motion to add if the contractor will accept the amount and sign the release. The Motion to Amend Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff. The Motion to approve revised change order #4 as Amended Passed 6-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, Mosteller; Nays: None; Absent: McGriff

Adjournment

Brian Carnes moved to adjourn. Seconded by Jose Luis. Motion Passed 6-0. Absent: Charlene McGriff.

There being no further business, the regular meeting of County Council adjourned at approximately 9:41 p.m.

Respectfully Submitted:

Approved by Council on April 11, 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