

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 Administrator**

Dennis Marstall

County Attorney

John K. DuBose III

Clerk to Council

Sherrie Simpson

March 14, 2022

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, Larry Honeycutt, Charlene McGriff, Billy Mosteller and Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Veronica Thompson, Financial Services Director; Kimberly Belk, Budget Director; Jamie Gilbert, Economic Development Director; Jeff Catoe, Public Services Director; Sheriff Barry Faile; Clay Catoe, EMS Director; Scott Hernandez, IT Director; April Williams, Library Director; Hal Hiott, Parks & Recreation Director; Jeff Hammond, Clerk of Court; Chad Catledge, Perception Builders; 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 6:02 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Brian Carnes

Brian Carnes 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.

Allen Blackmon moved to amend the agenda to include a discussion item on financial matters of the County. Seconded by Brian Carnes. Motion to Amend Passed 7-0. Steve Harper indicated the item would be added to the Agenda as item 10b.

Brian Carnes moved to amend the agenda and remove the February 28th minutes from under the Consent Agenda and add to the Non-Consent Agenda for a correction. Seconded by Larry Honeycutt. Motion to Amend Passed 7-0. Steve Harper indicated the item would be item 9a1 on the Non-Consent Agenda.

The Motion to Approve the Agenda as Amended Passed 7-0.

Special Presentations

Buck Wilson, Midlands Health Director, presented Lancaster County with the Smoke-Free Palmetto Certification.

Khaleek Chapman, Chair of the Health and Wellness Commission, and Karen Nichols, Executive Director of the Upper Midlands Rural Health Network, gave an update from the Health and Wellness Commission on the Getting Further Faster Project grant. Other members in attendance from the Health and Wellness Commission were Kylie Craig and Robin Dawson.

Executive Session

Two Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

- 1. Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***
- 2. Discussion of Proposed Contractual Matters. 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 6:15 p.m., Council went into Executive Session to discuss the following items: (1) Legal briefing regarding a pending or threatened litigation matter, pursuant to South Carolina Code 30-4-70(a)(2); (2) discussion of proposed contractual matters, pursuant to South Carolina Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:00 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received a legal briefing regarding a pending or threatened litigation matter and had a discussion of proposed contractual matters. He also noted that, during Executive Session, no decisions were made and no votes were taken.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments, for which some provided written copies of their comments to Council:

Greg Thomas, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He asked for consideration in leaving the area lower density to keep green belt behind house.

Peter Baisch, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He noted infrastructure is overwhelmed and overburdened.

Ryan McLemore, Kershaw, SC, Town Administrator spoke regarding Cleveland Street being in terrible shape. He noted this street is one of the main highways in the area which is used for one of the largest businesses in the town.

Carol Bert, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. She noted that if the area is rezoned, it will cause drainage problems; as well as damage to roads and increased traffic. She provided a one page photo, which is attached as Schedule A to the written minutes in the Clerk To Council's Office.

Kenneth Michael Mull, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule B to the written minutes in the Clerk To Council's Office.

Douglas E. Wolf, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule C to the written minutes in the Clerk to Council's Office.

Robert Brown, Lancaster, SC, spoke in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. He provided his written comments and they are attached as Schedule D to the written minutes in the Clerk to Council's Office.

Tindall Yarborough, Lancaster, SC, spoke regarding the homeless situation and the Carriage Inn crisis. She also noted that there is no affordable housing in Lancaster County.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items 8a. and 8c. [as listed in the Agenda package, which are the same as Item a. and Item b. listed below]. Seconded by Charlene McGriff. Motion Passed 7-0.

- a. **Approval of Minutes from the February 16, 2022 County Council Committee Of The Whole Meeting**
- b. **3rd Reading of Ordinance 2022-1795 regarding Amending the Unified Development Ordinance (UDO) in Section 7.2.4. regarding Off-Street Parking and Loading Requirements**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 7.2.4., Off-Street Parking And Loading Requirements, To Modify Minimum Required Parking Spaces.
- *Planning Department Case Number: UDO-TA-2021-2981.*

Non-Consent Agenda

Approval of Minutes from the February 28, 2022 County Council Regular Meeting

Charlene McGriff moved to approve the February 28, 2022 minutes. Seconded by Larry Honeycutt.

Brian Carnes moved to amend the February 28th minutes under Economic Incentives. He stated pertinent information about retaining an attorney or site consultant to perform a study was discussed but not included in the minutes. Seconded by Allen Blackmon. Motion to Amend Passed 7-0.

Motion to Approve the Amended Minutes Passed 7-0.

Resolution 1193-R2022 regarding Authorization of Funding for EMS Headquarters Bay Construction, acquisition of a Mass Transport Bus for EMS, Renovations at the Barnett Building Renovation, Springdale Recreation Center Parking Lot Reclamation and Addition, and an Addition for the Public Defender's Office

Resolution Title: A Resolution Authorizing American Rescue Plan Act (ARPA) Funding For EMS Headquarters Bay Construction, Acquisition Of A Mass Transport Bus For EMS, Renovations At The Barnett Building, Springdale Recreation Center Parking Lot Reclamation And Addition, And An Addition For The Public Defender's Office.

Charlene McGriff moved to approve. Seconded by Brian Carnes.

Kim Belk provided a budget overview for five (5) projects along with the prioritized list from the previous meeting. The power point that she utilized for this presentation was attached to the agenda package. She noted that if Lancaster County approves funding for these projects, there will be \$5.7 million remaining in American Rescue Plan Act (ARPA) funds.

Allen Blackmon asked for Council to discuss each item. Council noted the EMS Headquarters Bay Construction is needed but the acquisition of a Mass Transit Bus isn't a priority and other items should be moved ahead.

Kim Belk noted the renovations at the Barnett Building were still needed on the 2nd floor in order for the IT department to move over. It was noted that the Nurse Practitioner, the Health Department, Procurement and storage space were located on the 1st floor and Parks and Recreation office staff was housed on the second floor. There was discussion regarding the two elevators in the building; one elevator was not working and it was unclear if it was needed; the other elevator works.

Kim Belk noted Springdale Recreation Center parking lot was in disrepair and the Melvin Steele parking lot would be paved in addition. Hal Hiott noted the parking lot was 15 years old and Scott Edgar was working with them to correct drainage problems. It was noted that Heath Springs soccer field was in need of gravel to correct a mud problem.

Kim Belk noted the Public Defender's Office addition would expand their current offices into the future courtroom space. She noted this space could still be utilized as a courtroom, just smaller. She stated this expansion would allow for all staff and future growth.

Billy Mosteller requested the Evidence Storage Building for the Sheriff's Office be added to the next agenda for discussion.

Brian Carnes moved to withdraw the original Motion. Seconded by Charlene McGriff.

Brian Carnes moved to divide the question. Seconded by Charlene McGriff. Motion Passed 7-0.

Charlene McGriff moved to approve the EMS Headquarters Bay Construction. Seconded by Allen Blackmon. Motion Passed 7-0.

Allen Blackmon moved to defer action on the acquisition of the Mass Transport Bus for EMS until a later date. Seconded by Charlene McGriff. Motion Passed 7-0.

Larry Honeycutt moved to approve Barnett Building renovations. Seconded by Charlene McGriff. Terry Graham stated he would like more information on the Barnett Building renovations before he would consider approving. Mr. Graham moved to defer consideration on the Barnett Building renovations until the numbers were provided. Seconded by Allen Blackmon. Motion to Defer Passed 7-0.

Brian Carnes moved to approve the reclamation and addition to the Springdale Recreation Center Parking Lot.

Seconded by Billy Mosteller. Motion Passed 7-0.

Larry Honeycutt moved to approve an addition for the Public Defender's Office. Seconded by Charlene McGriff. Motion Passed 7-0.

Dennis Marstall noted there were other potential projects. Steve Harper noted other ARPA items for funding would be discussed at the April Committee of the Whole meeting. Council discussed the cycle of cars for the Sheriff's Office.

Public Hearing and 2nd Reading of Ordinance 2022-1796 regarding Utilization of Excess Capital Project Sales Tax Collections from the First Reimposed Capital Project Sales Tax Pursuant to the State Budget Proviso

Ordinance Title: An Ordinance To Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act.

Jeff Catoe discussed the roads list for the County maintained roads which were included on the Proviso. He noted Cleveland Street is a state road and was included on the Capital Project Sales Tax #3. He explained that staff recommended that the County Transportation Commission decide the roads to pave on the Proviso. There was discussion on Cleveland Street and Hector Road. Jeff Catoe stated that the Highway 521 widening project would go through Rock Hill Fort Mill Area Transportation Study (RFATS) and the South Carolina Department of Transportation (SCDOT). Steve Harper stated the Proviso would be determined by end of April.

Steve Harper opened the Public Hearing for Ordinance 2022-1796 at approximately 8:28 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 30 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 8:28 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

John DuBose stated the approving ordinance was to complete the library projects; the Highway 9 pedestrian connections around the University of South Carolina Lancaster; phase 2 of the Lindsay Pettus Greenway; and the list of county maintained roads. He noted that all other funds would go to the Detention Center.

Allen Blackmon moved to amend the road list and add Cleveland Street to the list of roads. Seconded by Brian Carnes. Terry Graham stated the County should use State money for Cleveland Street.

Motion to Amend Passed 4-3; Ayes: Blackmon, Carnes, Harper, Honeycutt; Nays: Graham, McGriff, Mosteller

Brian Carnes asked about the use of the library after hours. Director April Williams noted non-profit groups are allowed to use library facilities after hours. She noted these groups submit information and are issued security badges to get inside after hours.

Brian Carnes noted he reserves the right to add Highway 521 widening project once the County gets additional information.

The 2nd Reading of Ordinance 2022-1796 as Amended Passed 5-2; Ayes: Carnes, Harper, Honeycutt, McGriff, Blackmon; Nays: Graham, Mosteller

Public Hearing and 1st Reading of Ordinance 2022-1793 regarding Rezoning Approximately 90.43 Acres of Property Located On Jim Wilson Road, Fort Mill, SC, from RN to MDR (Applicant Realty Advisory Corporation)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 90.43 Acres Of Property (TMS# 0014-00-043.00), Located On Jim Wilson Road, Fort Mill, South Carolina, From RN, Rural Neighborhood District, To MDR, Medium Density Residential District. - ***Planning Department Case Number: RZ-2021-2643.***

Rox Burhans reviewed the presentation from the agenda packet. There was discussion on the tree buffers, Traffic Impact Analysis (TIA), Medium Density Residential (MDR) zoning, and the pistol/rifle range. Brandon Pridemore, with R. Joe Harris & Associates, on behalf of Realty Advisory, was present and addressed Council regarding buffers, erosion, flooding, and traffic. He noted that Lancaster County has requirements in place to protect wetlands/streams and that they will abide by the TIA.

Steve Harper opened the Public Hearing for Ordinance 2022-1793 at approximately 8:51 p.m.

He noted that residents spoke at Citizens Comments earlier but that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 30 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:

One written comment from Lance and Kim Reynolds, Lancaster, SC, was submitted and read by Administrator Dennis Marstall in opposition of rezoning RZ-2021-2643/Ordinance 2022-1793. The written comments are attached as Schedule E to the written minutes in the Clerk to Council's Office.

Steve Harper closed the Public Hearing at approximately 8:52 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Terry Graham stated his major concern was traffic issues. Allen Blackmon noted the County seems to be moving toward MDR for the entire panhandle area.

The 1st Reading of Ordinance 2022-1793 Failed 0-7. Ayes: None; Nays: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon

Public Hearing and 1st Reading of Ordinance 2022-1797 regarding Rezoning Approximately 9.6 Acres of Property from Low Density Residential (LDR) and Neighborhood Business (NB) to General Business (GB) District (Applicant Panhandle Partners)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 9.6 Acres Of Property (TMS# 0016-00-047.00), Located On Charlotte Highway, South Carolina, From LDR, Low Density Residential And NB, Neighborhood Business Districts, To GB, General Business District. - ***Planning Department Case Number: RZ-2021-1921.***

Rox Burhans reviewed the presentation from the agenda packet.

Council took a break at approximately 9:13 p.m. Steve Harper called the meeting back to order at approximately 9:22 p.m.

Rox Burhans continued with the presentation from the agenda packet. The applicant, Panhandle Partners, LLC addressed County Council. They noted they offer a high quality storage project to the area. They also noted their project shouldn't negatively impact traffic.

Steve Harper opened the Public Hearing for Ordinance 2022-1797 at approximately 9:39 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 6 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 9:39 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

Terry Graham and Charlene McGriff noted the citizens came together and stated what they want for the area and Lancaster County adopted the small area plan and the County should abide by that plan. Rox Burhans noted this property was in the highway corridor overlay.

The 1st Reading of Ordinance 2022-1797 Failed 1-6. Ayes: Harper; Nays: Carnes, Graham, Honeycutt, McGriff, Mosteller, Blackmon

Public Hearing and 1st Reading of Ordinance 2022-1798 regarding Approval of an Easement Grant to Lancaster County Water and Sewer District for the Indian Land Recreation Center

Ordinance Title: An Ordinance To Approve An Easement Grant To Lancaster County Water And Sewer District Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0013-00-047.01 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easement And To Effectuate The Purposes Of This Ordinance.

John DuBose explained that Council approved a reciprocal easement agreement for the Indian Land Recreation Center project and the adjacent Goodwill project which allowed for installation and construction of water and sewer infrastructure that served both projects. He noted the infrastructure was in the ground and was complete. He stated this Ordinance would grant the easement to Lancaster County Water & Sewer District for the installed infrastructure. He also noted there was an associated dedication agreement that was not covered in the grant easement. He noted that if the easement grant was approved, then the separate dedication agreement could then be approved by the Administrator and that it would dedicate all inground infrastructure in the easement area to Lancaster County Water & Sewer District. He noted this was a requirement of the Water & Sewer District to service both projects.

Steve Harper opened the Public Hearing for Ordinance 2022-1798 at approximately 9:45 p.m.

He noted that no one signed up to speak at the Public Hearing for the Ordinance.

There were approximately 4 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 9:45 p.m.

Larry Honeycutt moved to approve. Seconded by Charlene McGriff.

The 1st Reading of Ordinance 2022-1798 Passed 7-0. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller, Blackmon; Nays: None

1st Reading of Ordinance 2022-1800 regarding Approval of an Easement Grant to Duke Energy Carolinas, LLC for the Indian Land Soccer Complex

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located On Harrisburg Road Bearing Tax Parcel Number 0005-00-077.00 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. Seconded by Billy Mosteller.

John DuBose stated this was an easement grant to Duke Energy Carolinas, LLC to provide electrical service infrastructure to the Indian Land Soccer Complex. He explained that Duke would be moving an existing pole and on-ground transformer. He noted that there was no exhibit because this easement was going to be a blanket easement for utilities. He further explained that Duke Energy was agreeable if the County wanted to survey the actual easement area to be set forth but that the County would be responsible for paying for the survey. He stated the easement would be to service the soccer complex and that utilities favor these blanket easements because it allows for future improvements without having to get another easement grant. He noted that the rough location of

the easement area was attached in the agenda package.

The first reading of Ordinance 2022-1800 Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

1st Reading of Ordinance 2022-1801 regarding Authorization of Acquisition of Real Property for the New County Detention Center

Ordinance Title: An Ordinance Authorizing The Acquisition Of Approximately Sixty-Four (64) Acres Of Real Property Located On Pageland Highway For The Construction Of A New County Detention Center And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Purchase Of The Real Property And The Purposes Of This Ordinance.

Brian Carnes moved to approve. Seconded by Charlene McGriff.

John DuBose stated this Ordinance would approve the purchase of approximately 64 acres of rural property for a new Lancaster County Detention Center. He noted the Detention Center was the first project on Capital Sales Tax Project #3. He stated the subject property was located at 1666 Pageland Highway and was adjacent to the Lancaster County Sheriff's Office. He noted the potential purchase price set forth in the contract was \$1.816 million. He advised that the property was appraised on November 11, 2021, per our county code and the appraisal returned a value \$2.5 million. He stated due diligence has occurred. He noted soil borings and wetlands analysis, old phase one was clean for the property. He stated there was a request and authorization within the Ordinance to waive phase I Environmental assessments for four (4) residential properties that front Pageland Highway. He noted those homes were intended to be demolished and that area would provide the ingress/egress for the site. He noted since the County was not planning to occupy that portion of real property, spending money on environmental assessments would not be a wise use of funds, even though it was required in phase I under the County Code. He stated there was a request for a waiver for that. He noted the area is zoned light industrial and general business and would need to be rezoned. He stated staff has been consulted and believes it should be zoned as Institutional. He noted the seller was retaining a 1.136 acre parcel of the property because it was their existing business and would retain the light industrial zoning. He noted the expiration date of due diligence was April 12 and closing date was April 26.

Allen Blackmon stated, for the record, he was glad the County was conforming with procurement statutes. He also stated for the record, he would like to see the County do more borings where the facility was going to go and see the Attorney push due diligence back for Council. He also noted he wished this would have come to Council before tonight with more information in advance.

The 1st Reading of Ordinance 2022-1801 Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon

Discussion and Action Items

Approval of Appointment to the Accommodations Tax Advisory Committee

- Christopher Manor to the Lancaster County Accommodations Tax Advisory Committee as one of the lodging representatives

Larry Honeycutt moved to approve. Seconded by Charlene McGriff. Motion Passed 7-0.

Financial Matters

Allen Blackmon reviewed the comparison handout he provided to Council. This handout is attached as Schedule F with the written minutes in the Clerk To Council's Office. He noted he believed the County budget was fluffy. He proceeded to review the comparison for Lancaster County as compared to other counties in South Carolina.

Status of items tabled, recommitted, deferred or held

There were no tabled, recommitted, deferred or held items to discuss during the Council meeting.

Miscellaneous Reports and Correspondence

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

Citizens Comments

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

Executive Session

Executive Session was held at the beginning of the Council meeting.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. Seconded by Charlene McGriff. Motion Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 10:07 p.m.

Respectfully Submitted:

Donna Greene

Donna Greene
Deputy Clerk to Council

Approved by Council

March 28, 2022

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

Billy Mosteller, Secretary