

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 11, 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 (arrived at approximately 6:38 p.m. during Agenda Item **8c.**), Brian Carnes, Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, and Jose Luis (via conference call).

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Lauren Hill, Deputy Clerk to Council/Administrative Assistant; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Brian Fulk, Economic Development Director; Jeff Catoe, Public Works Director; Sheriff Barry Faile; Greg Brasington, Emergency Medical Services; Grazier Rhea, Catawba Regional Council of Governments Community Development Director (via Teams conference call); 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 County Council to order at approximately 6:00 p.m. Mr. Harper noted that the County's livestream was not working at the time.

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. A roll call vote was taken. The motion Passed by a vote of 6-0. Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis; Absent: Blackmon.

Citizens Comments

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

1. Dennis McAteer, Lancaster, SC, spoke regarding truck traffic on Zion Road and requested that no truck traffic be allowed.
2. Jarrika Couthure, Indian Land, SC, spoke in favor of Ordinance 2023-1877.
3. April Allen spoke on behalf of Continental Tire in opposition of Ordinance 2023-1877. Ms. Allen provided Council with a letter from Continental Tire stating their position on the rezoning, and it is attached as Schedule A to the written minutes in the Clerk to Council's office.
4. Brittany Zessin, Fort Mill, SC, spoke in favor of Ordinance 2023-1877.
5. Tiffany Bioletti, Fort Mill, SC, spoke in favor of Ordinance 2023-1877.

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

Special Presentations

Sheriff Faile presented the Lancaster Chambers' Top 10 Under 40 Award to Sergeant Shon Johnson and highlighted Sergeant Johnson's strong work ethic and dedication to Lancaster County residents and the Sheriff's Office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a., 7b., 7c., and 7d.** [which are the same as Item **a., b., c., and d.** listed below]. Seconded by Charlene McGriff. A roll call vote was taken. The Consent Agenda items Passed by a vote of 6-0. Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis; Absent: Blackmon.

- a. **Approval of Minutes from the January 31, 2024 County Council Retreat Workshop Meeting**
- b. **Approval of Minutes from the February 7, 2024 County Council Retreat Workshop Meeting**
- c. **Approval of Minutes from the February 14, 2024 County Council Committee of the Whole Meeting**
- d. **Approval of Minutes from the February 26, 2024 County Council Regular Meeting**

Non-Consent Agenda

Resolution 1256-R2024 regarding Approval of a Grant Match for an EMS grant to update SWAT Medic Equipment

Resolution Title: A Resolution To Direct County Staff To Take Appropriate Action To Move Forward With The Grant In Aid For EMS Issued Through The South Carolina Department Of Health And Environmental Control, 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.

Brian Carnes moved to approve Resolution 1256-R2024. Seconded by Terry Graham.

Greg Brasington stated that the grant match funding would be used to replace outdated equipment such as ballistic vests and plates.

There was no discussion from Council. A roll call vote was taken. Resolution 1256-R2024 Passed by a vote of 6-0. Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis; Absent: Blackmon.

Resolution 1257-R2024 regarding "No Through Trucks" Sign on Zion Road

Resolution Title: A Resolution Requesting The South Carolina Department Of Transportation To Post Signage Prohibiting Through Truck Traffic On Zion Road Between Monroe Highway (S.C. 200) And Shiloh Unity Road.

Billy Mosteller moved to approve Resolution 1257-R2024. Seconded by Charlene McGriff.

Dennis Marstall stated that Zion Road was a State-owned road, but Public Works Director Jeff Catoe and the South Carolina Department of Transportation (SCDOT) had been in communication and agreed that if Resolution 1257-R2024 was approved, SCDOT would install a "No Through Trucks" sign. Billy Mosteller noted that Zion Road was a dangerous road due to the truck traffic, and he supported the Resolution. Charlene McGriff requested that Council be updated once the sign was installed, if approved.

A roll call vote was taken. Resolution 1257-R2024 Passed by a vote of 6-0. Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis; Absent: Blackmon.

3rd Reading of Ordinance 2023-1877 regarding Rezoning Property Located at 1662 MacMillan Park Drive from Light Industrial (LI) to Institutional (INS) District to Convert an Existing Structure to a K-12 Private School Facility (Applicants Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 7.286 Acres (TM# 0007-00-008.05) Located At 1662 Macmillan Park Dr, From Light Industrial (LI) District To Institutional (INS) District - *Planning Department Case Number: RZ-2023-1464.*

Jose Luis moved to approve the 3rd Reading of Ordinance 2023-1877. Seconded by Brian Carnes.

Allison Hardin reviewed the County's PowerPoint presentation and discussed separation and setback requirements in the industrial park. Ms. Hardin noted that all rezoning requirements had been addressed, but the proposed zoning was still incompatible, and the Planning Commission and staff's recommendation of denial still stood. Charlene McGriff and Billy Mosteller voiced their concerns of safety and stated that the County should focus on existing businesses in the industrial park. Several Councilmembers stated that they were originally in favor of the rezoning when they were under the impression that all businesses in the industrial park approved the school, but their views had changed knowing that only, according to the applicant, 68% of the park businesses had voiced their approval, and nothing had been received in writing.

Jose Luis made a motion to postpone the 3rd Reading of Ordinance 2023-1877 until the first Council meeting in April 2024. Seconded by Brian Carnes. Council and staff discussed general setback and separation requirements for the industrial park. A roll call vote was taken. The motion to postpone the 3rd Reading of Ordinance 2023-1877 Failed by a vote of 1-6. Ayes: Luis; Nays: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham.

For the record, Jose Luis mentioned that schools were needed in the Indian Land area, that Council has made other decisions that were not consistent with staff and/or planning commission recommendations, and that, on the advice of the County Attorney, that voting against the ordinance now would preserve his right to bring this item back up at a future date.

A roll call vote was taken for the original motion on the floor. The 3rd Reading of Ordinance 2023-1877 Failed by a vote of 0-7. Nays: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

At approximately 6:51 p.m., the meeting took a break to reset the technology.

Public Hearing and 3rd Reading of Ordinance 2024-1890 regarding a Second Amendment to Fee in Lieu for RICO Industries

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Second Amendment To The Fee Agreement Among Lancaster County, South Carolina, RICO Industries, And To Provide For Other Matters Related Thereto.

Steve Harper called the meeting back to order at approximately 7:00 p.m.

Terry Graham moved to approve the 3rd Reading of Ordinance 2024-1890. Seconded by Allen Blackmon.

Brian Fulk identified Project Pennant as RICO Industries and noted no changes since the 2nd Reading of Ordinance 2024-1890.

Steve Harper opened the Public Hearing for Ordinance 2024-1890 at approximately 7:04 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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 7:04 p.m.

There was no discussion from Council. A roll call vote was taken. The 3rd Reading of Ordinance 2024-1890 Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

Public Hearing and 3rd Reading of Ordinance 2024-1891 regarding an Amendment to Multi-County Park Agreement for RICO Industries

Ordinance Title: An Ordinance To Amend Section 6 Of Ordinance No. 1088, Relating To The Distribution Of Revenue To Be Received From The Multi-County Park Created For Heath Springs Industrial Park, So As To Permit A Portion Of The Revenue Derived From Industries Or Businesses Located In Such Park To Be Used By The County To Make Infrastructure Reimbursement Payments; And To Provide For Other Matters Related Thereto.

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2024-1891. Seconded by Allen Blackmon.

Brian Fulk noted no changes since the 2nd Reading of Ordinance 2024-1891.

Steve Harper opened the Public Hearing for Ordinance 2024-1891 at approximately 7:07 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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 7:07 p.m.

There was no discussion from Council. A roll call vote was taken. The 3rd Reading of Ordinance 2024-1891 Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

Public Hearing and 3rd Reading of Ordinance 2024-1892 regarding an Amendment to Fee Agreement with RV-Imagitas, LLC & Lancaster Real Estate Group, LLC

Ordinance Title: To Authorize And Approve The Execution And Delivery Of An Amended And Restated Fee Agreement By And Among Lancaster County, South Carolina, RV-Imagitas, LLC And Lancaster Real Estate Group, LLC; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2024-1892. Seconded by Charlene McGriff.

Brian Fulk noted no changes since the 2nd Reading of Ordinance 2024-1892. The applicants, Greg Schild, Red Ventures Director of Real Estate, and Brian Benenhaley, Red Ventures Senior Counsel, thanked Council for the business partnership between their company and Lancaster County.

Steve Harper opened the Public Hearing for Ordinance 2024-1892 at approximately 7:12 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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 7:12 p.m.

Brian Carnes stated that Red Ventures was in his District, and it had been a pleasure working with the company. Charlene McGriff applauded Red Ventures for being a community-oriented business and for their support of the Promise Neighborhood. A roll call vote was taken. The 3rd Reading of Ordinance 2024-1892 Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

Public Hearing and 1st 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 3.82 Acres (TM# 0058-00-064.00) Located At 1348 N. Rocky River Rd, From Rural Business (RUB) District To General Business (GB) District - *Planning Department Case Number: RZ-2023-2125.*

Billy Mosteller moved to approve the 1st Reading of Ordinance 2024-1894. Seconded by Allen Blackmon.

Allison Hardin reviewed the rezoning via the County's PowerPoint presentation. Ms. Hardin noted that the applicant wanted to utilize the additional acreage on his property for a mini-storage facility, but the use was not allowed under the current Rural Business (RUB) zoning district. The property currently houses a car wash, and if the rezoning were approved, the car wash would become a non-conforming use as it would not be allowed under the proposed zoning district, and any major changes to the car wash would require the site to go through the Conditional Use Process. Ms. Hardin stated that the Planning Commission and staff's recommendation was that the applicant should complete a minor subdivision application process, prior to the 3rd Reading by Council, so that the existing car wash could stay within the Rural Business (RUB) zoning district. Billy Mosteller stated that he was in favor of the rezoning and that a storage facility would be a good fit for the location. Council and staff discussed spot zoning.

Steve Harper opened the Public Hearing for Ordinance 2024-1894 at approximately 7:22 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 24 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 7:22 p.m.

A roll call vote was taken. The 1st Reading of Ordinance 2024-1894 Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

1st 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.

Brian Carnes moved to approve the 1st Reading of Ordinance 2024-1895. Seconded by Charlene McGriff.

Sabrena Harris presented the budget amendment to Council and stated that the amendment would be to utilize fund balances for the Emergency Medical Services, Elections and Fleet departments, and to authorize the use of American Rescue Plan Act (ARPA) funds towards the purchase of the Elections and Fleet facility. Dennis Marstall noted that if the requested \$2 million was allocated for the Elections and Fleet facility, the County would have \$1.5 million still left in ARPA funds to allocate. Council and staff discussed contingencies funds.

A roll call vote was taken. The 1st Reading of Ordinance 2024-1895 Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

1st 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

Terry Graham moved to approve the 1st Reading of Ordinance 2024-1896. Seconded by Billy Mosteller.

Allison Hardin reviewed the amendment via the County's PowerPoint presentation. Ms. Hardin stated that staff's recommendation was to have Council vote on the 1st Reading of Ordinance 2024-1896 to remove indoor and outdoor amusements from Light Industrial (LI) zones, and then pass the discussion to the Planning Commission for review and they would conduct a public hearing. Ms. Hardin also stated that if there was support from the Planning Commission, Council could re-evaluate the uses for potential and proper expansion in the Unified Development Ordinance (UDO) rewrite and identify other zones for infill opportunities. Council and staff discussed other districts that indoor amusement parks were currently allowed in, what was considered as a "taking" and Pending Ordinance Doctrines.

A roll call vote was taken. The 1st Reading of Ordinance 2024-1896 Passed by a vote of 4-3. Ayes: Blackmon, Mosteller, McGriff, Graham; Nays: Carnes, Harper, Luis.

Discussion and Action Items

Discussion of Prioritization of Community Needs for 2024 for Funding Opportunities for Community Development Block Grants (CDBG) – Grazier Rhea, Community Development Director, Catawba Regional Council of Governments

Grazier Rhea provided Council with an updated and recommended prioritized community needs list for 2024 and reviewed the changes from the previous Council meeting. The list is attached as schedule B to the written minutes in the Clerk to Council's office. Ms. Rhea discussed the Town of Kershaw's wastewater treatment plant upgrades and how the County would be involved as a co-applicant. Charlene McGriff asked that Council be informed when projects that the County would be eligible for become available, and that Council be informed when projects are applied for, and how funds are spent.

Charlene McGriff made a motion to adopt the prioritized community needs list as amended. Seconded by Brian Carnes. There was no discussion from Council. A roll call vote was taken. The motion Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

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***

There was no discussion regarding the status of any tabled, recommitted, deferred or held items.

Executive Session

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals and the Lancaster County Planning Commission.
2. Receipt of legal advice subject to the attorney-client privilege regarding claim involving Stormwater.

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 the Lancaster County Board of Zoning Appeals and the Lancaster County Planning Commission and for the receipt of legal advice subject to the attorney-client privilege regarding a claim involving Stormwater. Allen Blackmon stated that he so moved. Seconded by Brian Carnes. A roll call vote was taken. The motion to go into Executive Session Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis. At approximately 8:03 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 8:40 p.m. Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff. A roll call vote was taken. The motion to come out of Executive Session Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals and the Lancaster County Planning Commission and received legal advice subject to the attorney-client privilege regarding a claim involving Stormwater. She stated that during Executive Session, no motions were made and no votes were taken.

Charlene McGriff made a motion to approve the settlement agreement as discussed in Executive Session. Seconded by Brian Carnes. There was no discussion from Council. A roll call vote was taken. The motion Passed by a vote of 4-3. Ayes: Carnes, Mosteller, McGriff, Luis; Nays: Blackmon, Harper, Graham.

Adjournment

Brian Carnes moved to adjourn the Council meeting. Seconded by Allen Blackmon. A roll call vote was taken. The motion to adjourn Passed by a vote of 7-0. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham, Luis.

There being no further business to discuss, the regular meeting of Council adjourned at approximately 8:46 p.m.

Respectfully Submitted:

Lauren Hill

Lauren Hill
Deputy Clerk to Council

Approved by Council on March 25, 2024

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

Billy Mosteller, Secretary