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 Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

February 22, 2021 | **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, Larry Honeycutt, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Steve Willis, County Administrator; Kim Belk, Interim Deputy County Administrator/Budget Director; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; Darren Player, Fire/Emergency Services Director; Scott Hernandez, Interim IT Director; Karla Deese, Coroner; various Elected Officials; various Department Heads; various staff; 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 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 Council meeting.

Pledge of Allegiance and Invocation - Council Member Billy Mosteller

Billy Mosteller led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

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

Special Presentations

Chairman Steve Harper recognized John McCain as the Employee of the First Quarter, the Custodial Team as the Employee of the Second Quarter, Carrie Catledge as the Employee of the Third Quarter, Scott Hernandez as the Employee of the Fourth Quarter. Chairman Steve Harper and Steve Willis recognized John McCain as the Employee of the Year for 2020.

Pat Spampinato presented an overview of VC3's technology assessment of the County IT operations. The Executive Summary from VC3 can be found in the agenda packet.

Allen Blackmon moved that Council go into Executive Session pursuant to SC Code 30-4-70(a)(3) to discuss development of security personnel or devices in connection with the IT study. Seconded by Charlene McGriff. Motion Passed 7-0. Council went into Executive Session at approximately 6:12 p.m.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 6:45 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council generally discussed security devices and internet security from the IT consultants who had suggestions for necessary security upgrades. He explained that, during Executive Session, no decisions were made and no votes were taken.

Citizens Comments

The following citizens signed up to speak during Citizens Comments: None.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.**, **7b.**, **7c.**, **7d.**, **7e.** and **7f.** *[as listed in the Agenda packet, which are the same as Item **a.**, Item **b.**, Item **c.**, Item **d.**, Item **e.** and Item **f.** listed below].* Seconded by Larry Honeycutt. Motion Passed 7-0.

a. Approval of Minutes from the February 8, 2021 County Council Regular Meeting

b. Approval of Minutes from the February 9, 2021 County Council Committee Of The Whole Meeting

c. 3rd Reading of Ordinance 2021-1706 regarding Rezoning Property Owned by Billie Coker From MDR to RR

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 2.25 Acre Tract Of Property (TMS # 0082-00-020.00), Owned By Billie Coker, And Located On The South Side Of Mahaffey Line Drive, Across From The Intersection With Memorial Drive, Lancaster, South Carolina, From MDR, Medium Density Residential District, To RR, Rural Residential District.

d. **2nd Reading of Ordinance 2021-1707 regarding Rezoning Property Owned by Tracey Griffin From RN to INS**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 0.46 Acre Tract Of Property (TMS # 0026-00-026.00), Owned By Tracey Griffin, And Located At 4889 Charlotte Highway, Lancaster, South Carolina, From RN, Rural Neighborhood District, To INS, Institutional District.

e. **2nd Reading of Ordinance 2021-1714 regarding Rezoning Property Owned by Annie Leak from RN to AR**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 2.3 Acre Tract Of Property (TMS # 0110-00-073.01), Owned By Annie Leak, And Located At 3887 Old Camden Highway, Lancaster, South Carolina, From RN, Rural Neighborhood District, To AR, Agricultural Residential District.

f. **2nd Reading of Ordinance 2021-1715 regarding Amending the Unified Development Ordinance (UDO) regarding Home Occupations**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance Chapter Section 5.4.2, Home Occupation, To Modify The Various Standards Applicable To Home Occupations.

Non-Consent Agenda

Correction of Resolution 1138-R2021 regarding Approval of a Conditional Use Application for a Non-Franchised Car Dealership and Major Auto Repair and Maintenance Facility

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 Non-Franchised Car Dealership and Major Auto Repair and Maintenance Facility To Be Located Upon Tax Map # 0020-00-004.00, At 6686 Waxhaw Hwy, Indian Land, South Carolina.

Billy Mosteller recused himself from the discussion and vote on the Corrections of Resolutions 1138-R2021 and 1139-R2021. His Statement of Recusal for the Correction of Resolution 1138-R2021 is attached as Schedule A to the written minutes in the Clerk to Council's office and his Statement of Recusal for the Correction of Resolution 1139-R2021 is attached as Schedule B to the written minutes in the Clerk to Council's office. He left the Council Chambers at approximately 6:47 p.m.

Terry Graham moved to approve the corrected version of Resolution 1138-R2021. Seconded by Brian Carnes. Motion Passed 6-0.; Abstain: Mosteller

Correction of Resolution 1139-R2021 regarding Approval of a Conditional Use Application for a Non-Franchised Car Dealership and Major Maintenance and Repair Facility (Corrective)

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 Non-Franchised Car Dealership And Major Maintenance And Repair Facility To Be Located Upon Tax Map # 0020-00-004.02, At 6711 Waxhaw Hwy, Indian Land, South Carolina.

Charlene McGriff moved to approve the corrected version of Resolution 1139-R2021. Seconded by Brian Carnes. Motion Passed 6-0.; Abstain: Mosteller

Billy Mosteller returned to Chambers at approximately 6:49 p.m. and rejoined the Council meeting.

Resolution 1140-R2021 regarding Assignment of 2020 Cooley Fee Agreement

Resolution Title: A Resolution To Consent To, Approve, And Ratify The Assignment Of The Fee Agreement By And Among Lancaster County, South Carolina, RISC, LLC And Cooley, Incorporated To K2 Lancaster, LLC And The Assignment Of The Special Source Revenue Credit Agreement By And Among Lancaster County, South Carolina, RISC, LLC And Cooley, Incorporated To K2 Lancaster, LLC.

Charlene McGriff moved to approve Resolution 1140-R2021. Seconded by Allen Blackmon. Motion Passed 7-0.

Resolution 1141-R2021 regarding Authorizing the Sheriff to present a Service Sidearm to Sergeant Joey Edwards on the Occasion of His Retirement

Resolution Title: A Resolution Expressing Appreciation To Sheriff's Sergeant Joey Edwards And Authorizing A Gift To Him By Lancaster County Of His Service Sidearm On The Occasion Of His Retirement

Brian Carnes moved to approve Resolution 1141-R2021. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1701 regarding Rezoning Property Located at the Southwest Intersection of Henry Harris Road and Shelley Mullis Road from RN and LDR to MDR (Applicant Provident Bayard, LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 168.28 Acres Of Property (TMS #s 0013-00-055.06, 0013-00-055.00, 0013-00-055.01, 0013-00-056.01, 0013-00-055.02 And 0013-00-055.05) As Well As An Approximately 36.58 Acre Tract Of Property (A Portion Of TMS # 0013-00-55.06), Located At The Southwest Intersection Of Henry Harris Road And Shelley Mullis Road, Lancaster, South Carolina, From RN, Rural Neighborhood, And LDR, Low Density Residential Districts, To MDR, Medium Density Residential District.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2021-1701. Seconded by Charlene McGriff.

Council and staff discussed the following items: (1) lot size and density for the project; (2) Impact Fees for schools and the County; and (3) the impact of rezonings on infrastructure for the Lancaster County Water and Sewer District and maximum daily load impacts to the Catawba River, to which Steve Willis and Rox Burhans explained that this item would need to be looked at long term over the next year and that the County would need to develop short and mid-term strategic policies to help guide the County regarding growth's impact on water and sewer infrastructure.

Ken Holbrooks, Matthews, NC, explained that they, as developers, have been working with Lancaster County Water and Sewer District (LCWSD) and that LCWSD has a plan in place to address the District's needs. He explained that they have been in discussions regarding a lift station. He noted that, in regards to density, the community prefers more community land and that home owners do not want big lots and land. He further explained that if Council did not want them to use vinyl siding on the exteriors of the homes, then that could be added to the development agreement.

The motion to approve the 2nd Reading of Ordinance 2021-1701 Passed 6-1.; Ayes: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Nays: Graham.

2nd Reading of Ordinance 2021-1702 regarding Rezoning Property Owned by Wilson Acres, LLC From LDR to INS (Applicant Provident Bayard, LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 2.04 Acre Tract Of Property (A Portion Of TMS # 0013-00-055.06), Owned By Wilson Acres, LLC, And Located At The Southwest Intersection Of Henry Harris Road And Shelley Mullis Road, Lancaster, South Carolina, From LDR, Low Density Residential District, To INS, Institutional District.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1702. Seconded by Billy Mosteller. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1703 regarding Approval of a Development Agreement for the Wilson Creek Development Project

Ordinance Title: An Ordinance To Approve A Development Agreement For The Wilson Creek Development Project Located At The Southwest Intersection Of Henry Harris Road And Shelley Mullis Road, Lancaster, South

Carolina, Establishing The Regulations For The Development Of The Property And Other Matters Related Thereto.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1703. Seconded by Allen Blackmon.

Billy Mosteller moved to amend Ordinance 2021-1703 to substitute the proposed amended development agreement included in the agenda package as Exhibit "A" to the Ordinance. Seconded by Charlene McGriff.

John DuBose explained that he had added in the wording for the inflationary provision and the framework for the round about and made a few other minor technical changes to the proposed amended development agreement.

Allen Blackmon reviewed the following discrepancies in the Development Agreement (DA) that might need to be addressed: (1) the development's build out schedule of five years and that the Corporation is not approved to do business in the State of South Carolina, according the Secretary of State website; (2) in one section of the DA, it says that if there are conflicts with the Unified Development Ordinance (UDO), then the DA controls and, in another section, it says if there are conflicts then the UDO controls; (3) that the school fee has to be paid in a lump sum rather than when building permits are pulled; and (4) that the DA does not include successors going forward.

Billy Mosteller moved to approve a $2500.00 roof top fee for Development Agreements. Seconded by Charlene McGriff.

Council and staff discussed the Impact Fee Study and its relationship to the Development Agreement and whether the fee from the Study was enough to cover all costs associated with the County's infrastructure needs and the need for a formula that is consistent for all development agreements.

The motion to amend Ordinance 2021-1703 to substitute the proposed amended development agreement included in the agenda package as Exhibit "A" to the Ordinance Passed 7-0.

Council, staff and Ken Holbrooks discussed the Development Agreement fees for the County and the school.

The motion to approve the $2500.00 roof top fee for Development Agreements failed 1-6.; Ayes: Mosteller; Nays: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff.

Allen Blackmon moved to fill in the school fee with $500.00. Seconded by Charlene McGriff.

Council and staff discussed whether the Development Agreement's school fee should be increased and further discussed roof top fees, in general.

The motion to fill in the school fee with $500.00 Passed 5-2.; Ayes: Blackmon, Carnes, Graham, Harper, McGriff; Nays: Honeycutt, Mosteller.

The motion to approve the 2nd Reading of Ordinance 2021-1703 as amended Passed 6-1.; Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff; Nays: Mosteller.

1st Reading of Ordinance 2021-1716 regarding Authorization for Lancaster County to Quit Claim Title to Real Property within an Unopened Portion of Culp Landsford Road to Adjacent Landowners

Ordinance Title: An Ordinance Authorizing Lancaster County To Quit Claim Title To Real Property Within An Unopened Portion Of Culp Landsford Road To Adjacent Landowners.

Terry Graham moved to approve the 1st Reading of Ordinance 2021-1716. Seconded by Brian Carnes. Motion Passed 7-0.

1st Reading of Ordinance 2021-1717 (by Title Only) regarding Amending the Unified Development

Ordinance regarding the Minimum Lot Size for the Institutional (INS) District

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance To Modify The Minimum Lot Size For The Institutional (INS) District

Terry Graham moved to approve the 1st Reading of Ordinance 2021-1717 (by Title Only). Seconded by Charlene McGriff. Motion Passed 7-0.

Discussion and Action Items

Additional Funding Allocation for Hope on the Hill Barr Street Auditorium Project - Steve Willis

Charlene McGriff recused herself from the discussion and vote on the Additional Funding Allocation for Hope on the Hill Barr Street Auditorium Project. Her Statement of Recusal is attached as Schedule C to the written minutes in the Clerk to Council's office. She left the Council Chambers at approximately 8:11 p.m.

Steve Willis proposed to take the $40,000.00 in additional funding requested for the project out of the Local Accommodations Tax fund. Brian Carnes moved to approve. Seconded by Larry Honeycutt. Motion Passed 6-0.; Abstain: McGriff

Charlene McGriff returned to Chambers and rejoined the Council meeting at approximately 8:13 p.m.

Discussion of Bid for Replacement Fire Apparatus - Elgin Engine 601 - Steve Willis/Darren Player

Steve Willis asked for guidance on how Council wanted to proceed regarding replacing the Elgin Fire Department pumper truck. He explained that Council could either go with the straight purchase of the truck, which would be included as part of next fiscal year's budget, or choose a prepayment option and save approximately $16,445.00, which would need to be included in this fiscal year's budget.

After Council and staff discussion, Brian Carnes moved to purchase the fire truck with the discount. Seconded by Allen Blackmon. Motion Passed 7-0.

Discussion of Impact Fee - Steve Willis/Kim Belk/John DuBose

Steve Willis and John DuBose explained that the current procedural Impact Fee Ordinance *[Ordinance 2021-1705]* has been halted in order to the let the Capital Improvement Plan Ordinance and the other four additional implementation ordinances for each service area catch up with the procedural Ordinance.

Steve Harper requested additional information on Impact Fees, such as projected revenues over the next ten years, cost of implementation for the County, costs for commercial Impact Fees, etc.

Follow-up on Construction of Detention Center and Magistrates Court - Steve Willis/John DuBose

Steve Willis explained that Wade Mullins recommended using the Construction Manager at Risk method for construction of the new Detention Center. He explained that he also recommended using a Owners Representative and would begin work on drafting a Request for Qualifications (RFQ).

Allen Blackmon suggested the County use Design Bid Build (DBB) as the method of construction and explained the reasons why that method provided more of a balance.

Council and staff determined that whichever method is used, the first step is to obtain an Owners Representative and that, after the Owners Representative has been selected, then the review team could determine which method of construction to use.

Larry Honeycutt moved that Steve Willis find an Owners Representative as soon as possible. Seconded by

Charlene McGriff. Motion Passed 7-0.

Request for Special Council Meeting - Steve Willis

Steve Willis noted that he was requesting that Council hold a Special Meeting on March 17, 2021 at noon and that there would be two items on the agenda.

Status of items tabled, recommitted, deferred or held

a. HELD - Public Hearing and 3rd Reading of Ordinance 2021-1713 regarding Authorizing the Execution and Delivery of a Special Source Revenue Credit Agreement with Project Smith

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Among Lancaster County, ####, Inc., And @@@@, LLC, (Project Smith) 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 January 11, 2021 County Council Meeting (Larry Honeycutt absent). Passed 7-0 at the January 25, 2021 County Council Meeting. - Jamie Gilbert***

This item was not discussed during the Council meeting and was for information only for Council and citizens.

b. HELD - 2nd Reading of Ordinance 2021-1705 Regarding Adoption of Procedures for the Imposition, Calculation, Collection, Expenditure and Administration of Impact Fees

Ordinance Title: An Ordinance Adopting Procedures For The Imposition, Calculation, Collection, Expenditure And Administration Of Impact Fees To Be Imposed On New Development; Providing A Purpose And Intent; Providing Definitions; Providing General Provisions And Applicability; Providing For The Establishment Of Impact Fee Accounts; Providing For The Appropriation Of Impact Fee Funds; Providing For Refunds; Providing For Appeals; Providing For Conflict; Providing For Severability; And Providing An Effective Date. ***- Passed 7-0 at the February 8, 2021 County Council Meeting. - Steve Willis/John DuBose/Kim Belk***

This item was not discussed during the Council meeting and was for information only for Council and citizens.

Miscellaneous Reports and Correspondence

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

Citizens Comments

There were no written comments submitted and no one signed up to speak for Citizens Comments during the meeting.

Executive Session

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

1. ***Economic Development Discussions: Project Creamsicle and Project Potato. SC Code 30-4-70(a)(5).***
2. ***One Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***
3. ***Discussion of Two Contractual Matters. SC Code 30-4-70(a)(2).***

Terry Graham moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. At approximately 8:43 p.m., Council went into Executive Session to discuss the following items: (1) two Economic Development matters, Project Creamsicle and Project Potato, pursuant to SC Code 30-4-70(a)(5); (2) one legal briefing regarding a pending or threatened litigation matter, pursuant to SC Code 30-4-70(a)(2); and (3) a discussion of two contractual matters, pursuant to SC Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 10:06 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council discussed two Economic Development matters, Project Creamsicle and Project Potato, received one legal briefing on a pending or threatened litigation matter and discussed two contractual matters. He explained that, during Executive Session, no decisions were made and no votes were taken.

Allen Blackmon moved that the Attorney proceed with the matter discussed in Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0.

Adjournment

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

Respectfully Submitted:

Sherrie Simpson

Sherrie Simpson
Clerk to Council

Approved by Council on March 8, 2021

B Mosteller

Billy Mosteller, Secretary