

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

January 25, 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; Daniel Plyler, Acting County Attorney; Sherrie Simpson, Clerk to Council; Veronica Thompson, Chief Financial Officer; Darren Player, Fire/Emergency Services Director; Katie See, Senior Planner; Robert Tefft, Planner; Jamie Gilbert, Economic Development Director; Michael Seezen of Burr Forman McNair; various Department Heads; various staff; 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.

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 Terry Graham

Terry Graham 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 Brian Carnes.

Allen Blackmon moved that **Item 9b. (Discussion of Edgewater Area in Default)** be moved up in front of the Non-Consent Agenda items and that it be discussed before the Non-Consent Agenda items. Seconded by Terry Graham. Motion Passed 7-0.

The motion to approve the agenda as amended Passed 7-0.

Special Presentations

Steve Harper and Sheriff Barry Faile recognized Investigator Preston Simpson for being named Officer of the Year by the South Carolina Law Enforcement Officers' Association.

Steve Harper recognized the Lancaster County Sheriff's Office for winning the Santee Cooper Excellence in Law Enforcement Award and for receiving their accreditation from the South Carolina Law Enforcement Officers' Association.

Citizens Comments

The following citizens signed up to speak during Citizens Comments:

1. Pamela Helms, Lancaster, SC, spoke regarding Ordinance 2021-1700.

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

Consent Agenda

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

a. Approval of Minutes from the January 4, 2021 County Council Special Meeting

b. Approval of Minutes from the January 11, 2021 County Council Regular Meeting

c. 2nd Reading of Ordinance 2021-1704 regarding Adopting Amendments to Elements of the Comprehensive Plan by Adoption of the Southern Panhandle Small Area Plan

Ordinance Title: An Ordinance By Lancaster County Adopting Amendments To Elements Of The Comprehensive Plan For Lancaster County, South Carolina, By Adoption Of The Southern Panhandle Small Area Plan

d. 2nd Reading of Ordinance 2021-1712 regarding Conveyance of Surplus Property on Happy Trail

Ordinance Title: An Ordinance Authorizing Lancaster County To Sell And Convey County Owned Property Located On Happy Trail And Containing 4.57 Acres, More Or Less, By Private Sale, Being Shown On The Lancaster County Tax Maps As Parcel Number 0071-00-038.03

e. 2nd 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

Non-Consent Agenda

Discussion of Edgewater Area in Default

Steve Willis explained that a developer had expressed an interest in revitalizing Phase 2 of Edgewater if the bond holders would forego their past due bond payments and the Forfeited Land Commission (FLC) would forego their past due taxes. He further explained that if those two items were agreed upon, then the developer would rebuild the infrastructure. He also explained that the FLC is awaiting a formal proposal and that, even though, they have the final decision in the matter, they are soliciting Council's input and advice. He explained that this idea is just conceptual at this time.

Steve Willis noted that the area is covered by a Development Agreement and that if the Development Agreement is not amended, then this project may not come back before Council. Council and staff discussed the following items: that more information would be needed prior to any further decisions being made, that the developer for the project would be Tru Homes, whether the bond holder or the County for the past due taxes would receive their money first, that Council would like to know the total amount of bond indebtedness, whether the County should include a performance clause in any future agreement to ensure that the infrastructure is completed, whether the roads would have to be brought up to current County standards and whether any future agreements could include a clause requiring that the roads be brought up to the current County standards, and which roads in the development are County roads. Council requested that the FLC take note of their comments.

Resolution 1133-R2021 regarding Authorization to Initiate the Filling of Three New Positions

Resolution Title: A Resolution To Authorize Initiating The Hiring Process For Certain Positions In Certain Departments Pending A Budget Amendment And Allowing Actions To Be Taken By Applicable County Staff.

Larry Honeycutt moved to approve Resolution 1133-R2021. Seconded by Brian Carnes.

Council asked that the pay for Convenience site workers be placed on the February Council agenda.

State Representative Sandy McGarry spoke about problems at the Coroner's office in regards to the Department of Health and Environmental Control (DHEC) requirement that Coroner's have a 48 hour turn around time to get out their death certificates, which has created a burden and a backlog. She explained that the staff at Coroner's offices across the State of South Carolina have been working seven days a week due to this requirement. She explained that she would continue to work on this problem at the State level.

The motion to approve Resolution 1133-R2021 Passed 7-0.

Resolution 1134-R2021 Updating the Continuity of County Government Plan

Resolution Title: A Resolution Updating the Continuity of County Government Plan as Last Amended by Resolution 1045-R2019

Terry Graham moved to approve Resolution 1134-R2021. Seconded by Allen Blackmon. Motion Passed 7-0.

Allen Blackmon and Brian Carnes suggested that the County should require each Department to prepare a list of essential documents/records that would be needed to keep the County operational in case of emergency and that there should be some type of sign off/documentation kept that this requirement has been met.

Resolution 1135-R2021 regarding Amending the County Council Meeting Calendar for Council Committees

Resolution Title: A Resolution To Amend The Calendar Year 2021 County Council Committee Meeting Calendar.

Charlene McGriff moved to approve Resolution 1135-R2021. Seconded by Billy Mosteller. Motion Passed 7-0.

Resolution 1136-R2021 regarding Giving Preliminary Approval to Issue Walnut Creek Improvement District Assessment Revenue Bonds, Series 2021A-3

Resolution Title: A Resolution Giving Preliminary Approval To Issue Not Exceeding \$4,620,000 Principal Amount Walnut Creek Improvement District Assessment Revenue Bonds, Series 2021A-3; To Approve The Execution And Delivery Of A Proposal In Connection Therewith; And To Provide For Other Matters Related Thereto.

Charlene McGriff moved to approve Resolution 1136-R2021. Seconded by Terry Graham.

Michael Seezen of Burr Forman McNair law firm provided an overview of the history of the Walnut Creek bonds and the current Resolution. He noted that the Resolution was a preliminary step and was not binding. He explained that the actual bond issue would come back before Council in the form of an Ordinance with three readings and a public hearing. Council and staff discussed the infrastructure for which the bonds would be used, the amount of the assessment, the legal status of the bonds if Council were to not approve the Resolution and what funds would be used to pay the legal costs for the project. Steve Willis noted that the Resolution only allows the County to enter into negotiations so that a proposal can be brought back for Council's consideration.

The motion to approve Resolution 1136-R2021 Passed 7-0.

Public Hearing and Resolution 1137-R2021 regarding Approval of a Master Development Plan Submission for a Proposed Apartment Development Known as "The Lodges At Indian Land"

Resolution Title: A Resolution To Approve The Master Development Plan Submission Of NWR Development LLC, For A Proposed 217-Unit Apartment Development Known As "The Lodges At Indian Land" And Located On Approximately 38.88 Acres, More Or Less, Currently Zoned Mixed Use District (MX) And Located On The North Side Of Fort Mill Highway, Approximately 225 Feet East Of Rosemont Drive.

Steve Willis noted, for the record, that no one signed up to speak at the Public Hearings for Resolution 1137-R2021 or for Ordinance 2021-1706.

Robert Tefft presented an overview of "The Lodges At Indian Land" project, which is detailed in the Agenda Item Summary and attachments in the agenda packet. Council and staff discussed the Traffic Impact Analysis for the area, the maximum dwelling units per acre allowed under the MX district and whether the County's Unified Development Ordinance (UDO) required a residential component with an integrated retail component for the MX district. Council asked that the County Attorney research the legalities surrounding a text amendment to the UDO requiring a commercial component to the MX district and that such a text amendment be brought forward to the Planning Commission within the next month or two.

Michael Gribble, the applicant for "The Lodges At Indian Land," discussed the project's density, projected traffic impact and pedestrian connection.

Jake Bachman, the engineer for "The Lodges At Indian Land," spoke regarding a potential pedestrian connection for the project.

Steve Harper opened the Public Hearing for Resolution 1137-R2021 at approximately 7:34 p.m.

There were approximately 11 citizens in attendance during the Public Hearing for this Resolution.

The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for this Resolution: None.

Steve Harper closed the Public Hearing at approximately 7:34 p.m.

Charlene McGriff moved to approve Resolution 1137-R2021. Seconded by Brian Carnes. Motion Passed 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nays: Honeycutt

2nd Reading of Ordinance 2021-1699 regarding the Potential Transfer of County Property to the Council on Aging

Ordinance Title: An Ordinance To Approve The Sale Of Six (6) Acres Of Land To The Lancaster County Council On Aging, Said Parcel Being Located In The City Of Lancaster, With A Tax Parcel Number Of 0082C-00A-001.06, And To Authorize County Officials To Take Such Actions As Necessary To Effectuate The Purposes Of This Ordinance.

Billy Mosteller moved to approve the 2nd Reading of Ordinance 2021-1699. Seconded by Brian Carnes. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1700 regarding Rezoning Property Located at 7907 Henry Harris Road (Applicant Ryan Urban)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 19.88 Acre Tract Of Property (TMS # 0014-00-034.15), Owned By Ryan Urban, And Located At 7907 Henry Harris Road, Lancaster, South Carolina, From LDR, Low Density Residential District, To RN, Rural Neighborhood District.

Terry Graham moved to bring the 2nd Reading of Ordinance 2021-1700 to the floor for approval. Seconded by Allen Blackmon.

Katie See presented an overview of the project, which is detailed in the Agenda Item Summary and attachments in the agenda packet.

Ryan Urban, the applicant, explained that the equestrian center had fifteen stalls and one arena. He noted that the center was a small operation and that he did board animals.

Council and staff discussed the possibilities of widening the driveway, overflow parking and a second entrance to the property.

Dan Ballou, Rock Hill, SC, the attorney for the applicant, spoke regarding the zoning history for the property and the easement for the property.

Pam Helms, Indian Land, SC, explained that their access had been blocked once and that the facility has already had events, such as a camp for small children to learn how to ride horses.

Council reviewed a drawing of the proposed additional parking for the facility but that drawing was not provided to the Clerk to Council to attach to the minutes. Council asked that the drawing of the proposed additional parking be included in the next agenda packet, along with pictures of trailers with horses in the driveway and the parking area.

The motion to approve the 2nd Reading of Ordinance 2021-1700 Passed 4-3. Ayes: Harper, Honeycutt, Mosteller, Blackmon; Nays: Carnes, Graham, McGriff

Public Hearing and 1st 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.

Steve Harper opened the Public Hearing for Ordinance 2021-1706 at approximately 8:14 p.m.

There were approximately 3 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 Public Hearing for this Ordinance: None.

Steve Harper closed the Public Hearing at approximately 8:14 p.m.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2021-1706. Seconded by Terry Graham. Motion Passed 7-0.

Discussion and Action Items

Appointments by the Council Chair - Steve Harper

- Catawba Regional Council of Governments Board - 2 members
- Rock Hill Fort Mill Area Transportation Study (RFATS) Board - 1 member

Steve Harper stated that he would appoint himself and Charlene McGriff to the Catawba Regional Council of Governments Board and that he would appoint Brian Carnes to the Rock Hill Fort Mill Area Transportation Study (RFATS) Board.

Request to Utilize Construction Manager At Risk Method for Detention Center/ Magistrates Court Complex

Steve Willis explained that he was recommending the Construction Manager at Risk (CMAR) method for construction of the Detention Center. He noted that the CMAR method was used when the County constructed the Courthouse. He explained that he also recommended using Burr Forman, or Frannie Heizer, as the bond attorney for the project. He noted that the first step would be for the bond attorney to draft a reimbursement Resolution, which would come before Council in February. He explained that the next key component was to work with Frannie Heizer to prepare a Request for Qualifications (RFQ) for an owners representative.

Allen Blackmon asked that before deciding on the method of construction, that they be able to vet and talk to the construction attorney. Council asked that the construction attorney attend the next Committee of the Whole meeting in February so that they can discuss the construction method for the Detention Center.

Status of items tabled, recommitted, deferred or held

There were no items tabled, recommitted, deferred or held and thus no such 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

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

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

Allen Blackmon moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. At approximately 8:35 p.m., Council went into Executive Session to discuss the following items: (1) one economic development discussion or Project King, pursuant to SC Code 30-4-70(a)(5); (2) one legal briefing regarding a pending litigation matter, pursuant to SC Code 30-4-70(a)(2); and (3) discussion of a contractual matter, pursuant to SC Code 30-4-70(a)(2). Steve Harper noted that the economic development discussion on Project Creamsicle was being delayed.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:56 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Allen Blackmon. Motion Passed 7-0.

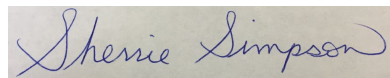
Upon returning to open session, Daniel Plyler noted, for the record, that during Executive Session, Council discussed one economic development matter, received one legal briefing and discussed one contractual matter. He explained that, during Executive Session, no actions were taken and no votes were taken on those matters.

Brian Carnes moved that the County take on the firm of Bakertilly to begin the process of looking for a new County Administrator. Seconded by Allen Blackmon. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Billy Mosteller. Motion to Adjourn Passed 7-0. There being no further business, the Council meeting adjourned at approximately 9:58 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on February 8, 2021



Billy Mosteller, Secretary