

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

January 24, 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, Terry Graham, Charlene McGriff *[who left the meeting early at approximately 6:47 p.m.]* and Billy Mosteller.

Council Members Absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Veronica Thompson, Chief Financial Officer; Kim Belk, Budget Director; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; Clay Catoe, EMS Director; Grant Davis, CPA, Director with Mauldin & Jenkins and Subsidiaries, LLC; various Department Heads; various staff; the press; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The 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 6:03 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Terry Graham

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 Larry Honeycutt. Motion Passed 7-0.

Special Presentations

Grant Davis, CPA and Director with Mauldin & Jenkins and Subsidiaries, LLC, provided an overview of the Annual Comprehensive Financial Report For the Fiscal Year Ended June 30, 2021. He provided the overview by using a power point presentation entitled, "Lancaster County, South Carolina Financial & Compliance Audit - June 30, 2021," and that presentation is attached as Schedule A to the written minutes in the Clerk to Council's office. He did note that their office issued a clean opinion, or an unmodified opinion, for Lancaster County. He explained that this result is the only acceptable result for a financial statement audit.

After the presentation, Council and Grant Davis discussed the difference between unassigned versus unrestricted fund balance and the increase in the County's net position. Allen Blackmon stated that he wanted to go on the record and note that the County was doing some good things from a financial perspective. He also asked when the County last had a bond rating review and Veronica Thompson explained that it was reviewed earlier in the year. Grant Davis pointed out that his Company made a recommendation to the County in regards to cyber security, which was the same recommendation they made last year during the audit.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments: None.

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

Consent Agenda

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

- a. **Approval of Minutes from the January 10, 2022 County Council Regular Meeting**
- b. **3rd Reading of Ordinance 2021-1768 regarding Rezoning Property Located at 327 Monroe Highway from LDR to GB (Applicants William and Blanca Cox)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A 2.07 Acre Parcel Of Property (TMS# 0061P-0D-003.00), Located At 327 Monroe Highway, Lancaster, South Carolina, From LDR, Low Density Residential District, To GB, General Business District.- *Planning Department Case Number: RZ-2021-2327.*
- c. **3rd Reading of Ordinance 2021-1790 regarding Termination of a Public Safety or Fire Protection Charge in the Preserve at Tree Tops Effective Upon the Imposition of Charges in the Van Wyck Fire Protection District**
Ordinance Title: An Ordinance To Terminate The Imposition And Collection Of A Public Safety Or Fire Protection Rate Or Charge In The Preserve At Tree Top Development Effective Upon The Imposition And Collection Of Rates And Charges In The Van Wyck Fire Protection District.
- d. **3rd Reading of Ordinance 2021-1791 regarding Amending Ordinance 2021-1761 by Substituting A Corrective Map for the School Development Impact Fee**
Ordinance Title: An Ordinance To Amend Ordinance 2021-1761 By Substitution Of A Corrective

Map That Accurately Reflects The School Development Impact Fee Collection Area And By Inclusion Of An Updated And Corrected School Development Impact Fee Study And Capital Improvement Plan.

Non-Consent Agenda

3rd Reading of Ordinance 2021-1769 regarding Approval of a Development Agreement with Arbor Construction, LLC

Ordinance Title: An Ordinance To Approve A Development Agreement With Arbor Construction, LLC, In Connection With A Major Subdivision Preliminary Plat SD-2021-0528, Which Proposes A 92-Lot Single-Family Cluster Subdivision Overlay District (CSO) Development, Establishing The Regulations For The Development Of The Property, And Other Matters Related Thereto. - *Planning Department Case Number: DA-2021-0528.*

Larry Honeycutt moved to approve the 3rd Reading of Ordinance 2021-1769. Seconded by Charlene McGriff.

Allen Blackmon suggested that developers should be vetted from a financial position and that it should be part of the County's process.

The motion to approve the 3rd Reading of Ordinance 2021-1769 Passed 7-0.

Public Hearing and 3rd Reading of Ordinance 2021-1792 regarding a First Amendment to Nutramax Laboratories' 2018 Fee Agreement

Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A First Amendment To The Fee Agreement By And Among Nutramax Manufacturing, Inc., Nutramax Laboratories, Inc., Nutramax Properties, LLC, And Nutramax Land Holdings, Inc., And Lancaster County, South Carolina, Dated As Of November 26, 2018

Steve Harper opened the Public Hearing for Ordinance 2021-1792 at approximately 6:30 p.m.

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

There were approximately 15 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 6:30 p.m.

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2021-1792. Seconded by Charlene McGriff. Motion Passed 7-0.

Public Hearing and 2nd Reading of Ordinance 2021-1784 regarding Approval and Adoption of a Redistricting Plan

Ordinance Title: An Ordinance To Approve And Adopt A Redistricting Plan For The Election Districts Used To Elect Members Of County Council; To Authorize The County Administrator And Other County Officials To Take Any Necessary Actions To Effectuate The Purposes Of This Ordinance; And To Adopt Other Matters Related Thereto.

John DuBose noted that Council has to redraw district lines every ten years based on new Census population numbers and he reviewed the legal requirements of redistricting. He explained that Council has proposed a map that would comply with State law, the United State Constitution, the State Constitution and relevant case law. He noted, for the record, that Exhibit A to the agenda packet showed the current Council districts with 2020 Census population data and that the population spread on that is close to seventy-five percent and so getting the amounts under the mandated ten percent home rule act took some effort and work from the Committee.

Brian Carnes, the Redistricting Study Committee Chair, thanked the Committee members and explained that the

Committee did meet eight times. He stated that he believed that the proposed map was fair and could withstand any type of challenge.

Steve Harper opened the Public Hearing for Ordinance 2021-1784 at approximately 6:37 p.m.

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

There were approximately 15 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 6:37 p.m.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2021-1784 with the new exhibits attached to it. Seconded by Larry Honeycutt.

Billy Mosteller moved to amend Ordinance 2021-1784 in the form of the "proposed second reading version of Ordinance 2021-1784" included in the agenda package and incorporate into the Ordinance Exhibit A and Exhibit B, also attached to the agenda package. He further stated that Exhibit B was the proposed County Council Map labeled "Proposal 10" and was the map that was recommended by the Redistricting Study Committee at its meeting of January 19, 2022. Seconded by Terry Graham. The motion to amend Passed 7-0.

The motion to approve the 2nd Reading of Ordinance 2021-1784 as amended Passed 7-0.

John DuBose noted, for the record, that the 3rd Reading of Ordinance 2021-1784 would be held at a Special meeting of County Council scheduled for January 31, 2022 at 6:00 p.m.

Public Hearing and 1st Reading of Ordinance 2022-1794 regarding Approving a First Amendment to the Development Agreement for The Reserve at Barber Rock

Ordinance Title: An Ordinance To Approve A First Amendment To The Development Agreement Between Bonterra Builders, LLC And Lancaster County For The Reserve At Barber Rock To Remove Approximately 1.017 Acres Of Real Property From The Development Agreement And To Authorize Execution And Delivery Of The First Amendment To The Development Agreement With Bonterra Builders, LLC. - ***Planning Department Case Number: DA-2019-0803.***

Rox Burhans provided an overview of the project via the County power point presentation attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2022-1794 at approximately 6:43 p.m.

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

There were approximately 15 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 6:43 p.m.

Billy Mosteller moved to approve the 1st Reading of Ordinance 2022-1794. Seconded by Brian Carnes. Motion Passed 7-0.

Discussion and Action Items

Approval of Appointment to the Board of Assessment Appeals

- Nakisha Procope to the Board of Assessment Appeals as the District 1 representative to fill a four year term that will expire on 06/30/2025 (1st Term)

Terry Graham moved to approve. Seconded by Charlene McGriff. Motion Passed 7-0.

Lancaster County EMS Donation - Dennis Marstall/Clay Catoe

Clay Catoe explained that EMS wanted to donate one of their old ambulances with high mileage to the South Carolina Fire Academy and he noted that, in exchange, they would receive \$5000.00 worth of free training. John DuBose explained that the procurement process allowed for exceptions to the procurement process.

Brian Carnes moved to approve the transfer. Seconded by Larry Honeycutt.

Charlene McGriff left the Council meeting at approximately 6:47 p.m. due to an emergency and she did not return to the meeting.

After discussion, the motion to approve the transfer Passed 6-0.; Absent: McGriff

Approval of the Proposed Update to the Lancaster County Prioritized Community Needs List - Dennis Marstall

Dennis Marstall explained that the Catawba Regional Council of Governments updated the Prioritized Community Needs list based on Council's input at the last meeting. He noted that if they approved of the updated list, then they would need to make a motion to approve it.

Terry Graham moved to approve. Seconded by Brian Carnes. Motion Passed 6-0.; Absent: McGriff

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

One Item (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. Legal Briefings regarding Pending or Threatened Litigation Matters. SC Code 30-4-70(a)(2).

Brian Carnes moved to go into Executive Session. Seconded by Terry Graham. Motion Passed 6-0.; Absent: McGriff. At approximately 6:52 p.m., Council went into Executive Session to discuss the following item: (1) Legal Briefings regarding Pending or Threatened Litigation Matters, pursuant to South Carolina Code 30-4-70(a) (2).

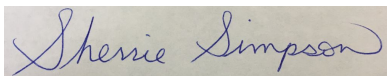
Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:28 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Billy Mosteller. Motion Passed 6-0.; Absent: McGriff

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received legal briefings regarding pending or threatened litigation matters. He also noted that, during Executive Session, no decisions were made and no votes were taken.

Adjournment

Larry Honeycutt moved to adjourn the Council meeting. Seconded by Terry Graham. The motion to adjourn Passed 6-0.; Absent: McGriff. There being no further business, the regular meeting of Council adjourned at approximately 7:29 p.m.

Respectfully Submitted:

A handwritten signature in blue ink that reads "Sherrie Simpson".

Sherrie Simpson
Clerk to Council

Approved by Council on February 14, 2022

A handwritten signature in black ink that reads "Billy Mosteller".

Billy Mosteller, Secretary