

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

January 23, 2023

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 (*via teleconference call*), Brian Carnes, Terry Graham, Steve Harper, Jose Luis, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; John Bodner, Assistant County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Leah Clevenger, Information Technology (IT) Project Manager; Kayla Vaughn, Communications and Marketing Assistant; Rox Burhans, Development Services Director; Kim Belk, Budget Director; Veronica Thompson, Finance Director; Jeff Catoe, Public Services Director; Darren Player, Fire/Emergency Services Director; Clay Catoe, Emergency Management Services (EMS) Director; various Department Heads; various elected officials; 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 County 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 meeting.

**Pledge of Allegiance led by Brooklynn Carnes, granddaughter of Councilmember Brian Carnes, and
Invocation led by Councilmember Brian Carnes**

Brooklynn Carnes, granddaughter of Councilmember Brian Carnes, led the Pledge of Allegiance to the American

Flag and Brian Carnes delivered the Invocation.

Approval of the Agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. A roll call vote was taken and the motion to approve the agenda Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Special Presentations

Charlene McGriff introduced Sh'Kur Francis, Program Director for the Lancaster Promise Neighborhood. Mr. Francis provided Council with an overview of his background. He then provided Council with a handout regarding Lancaster Promise Neighborhood and that handout is attached as Schedule A to the written minutes in the Clerk To Council's office. Mr. Francis explained that Lancaster Promise Neighborhood was a five-year 25 million dollar grant that was awarded to our community by the United States Department of Education. He also noted that we are the first community in the state of South Carolina to be awarded such a grant. He thanked Administrator Dennis Marstall for serving as a member of the Promise Neighborhood's Advisory Board. He explained that there was a Community Work Day on Brooklyn Avenue in December and that approximately 170 volunteers had assisted with that clean up. He stated he looked forward to working with Lancaster County in the future.

Jeff Catoe provided an update on the approved and completed road projects since 2018. He reviewed the County power point presentation, which is attached to the written minutes in the Clerk to Council's office. Jeff Catoe explained the difference between the rehabilitation of roads and the preservation of roads. Council and staff discussed how the County Transportation Committee (CTC) approved roads, not Council; the need for City roads to be added to the CTC list; how the County tracks items that are currently being worked on; roads being fixed before development occurs based on Traffic Impact Analysis (TIA) studies; and whether developers should pay for the widening of roads before rezonings occur.

Citizens Comments

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

1. Bernadette Zitelli, Lancaster, SC, spoke in opposition to RZ-2022-0175, the North of Nine subdivision. She provided a copy of her written comments, pictures, a map, and a petition opposing the subdivision to Council and all of those handouts are attached as Schedule B to the written minutes in the Clerk to Council's office;
2. Bill Meken, Lancaster, SC, spoke in opposition to RZ-2022-0175, the North of Nine subdivision. He provided a copy of his written comments to Council and those comments are attached as Schedule C to the written minutes in the Clerk to Council's office;
3. Gerry King, Lancaster, SC, spoke in opposition to RZ-2022-0175, the North of Nine subdivision. She provided pictures to Council and those pictures are attached as Schedule D to the written minutes in the Clerk to Council's office;
4. Richard Dole, Indian Land, SC, spoke in regards to the County working with Indian Land residents more effectively;
5. Jim Ferguson, Indian Land, SC, spoke regarding growth and stormwater issues;
6. Keith Miller, Indian Land, SC, spoke regarding erosion problems; and
7. Ken Bailey, Lancaster, SC, spoke in opposition to RZ-2022-0175, the North of Nine subdivision.

The following citizens submitted electronic, written comments for Citizens Comments:

1. Robert Hager, Indian Land, SC, sent an email regarding growth in Indian Land, which is attached as Schedule E to the written minutes in the Clerk to Council's office and a summary of that written comment

was provided by Sherrie Simpson, Clerk to Council, during the meeting. A copy of the written comment was provided to each Council Member.

2. Dan Sadvary, Indian Land, SC, sent an online comment regarding roads/traffic in Indian Land, which is attached as Schedule F to the written minutes in the Clerk to Council's office and a summary of that comment was provided by Sherrie Simpson, Clerk to Council, during the meeting. A copy of the written comment was provided to each Council Member.
3. Ken Bailey, Lancaster, SC, sent an online comment; however, a summary of the comment was not provided during the meeting since Mr. Bailey spoke in person earlier during Citizens Comments. His online comment is attached as Schedule G to the written minutes in the Clerk to Council's office and a copy was provided to each Council Member.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.**, **7b.**, **7c.**, **7d.** and **7e.** [which are the same as Item **a.**, **b.**, **c.**, **d.**, and **e.** listed below]. Seconded by Charlene McGriff. A roll call vote was taken and the Consent Agenda was approved by a vote of 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

- a. **Approval of Minutes from the December 14, 2022 County Council Committee Of The Whole Meeting**
- b. **Approval of Minutes from the January 3, 2023 County Council Organizational/Special Meeting**
- c. **Approval of Minutes from the January 9, 2023 County Council Regular Meeting**
- d. **Resolution 1227-R2023 regarding Approval of the Grant Match for Lancaster County Airport Security Camera System**

Resolution Title: A Resolution To Direct County Staff to Take Appropriate Action To Move Forward With The Airport Security Camera System Grant Match Award, 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.
- e. **2nd Reading of Ordinance 2023-1837 regarding Rezoning Property from Low Density Residential (LDR) to Professional Business (PB) in order to Build a Medical Office (Applicant Nathan Terry)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately .488 Acres (Portion Of TM# 0016-00-046.00) Located At The Northern Intersection Of Charles Pettus Road And Charlotte Highway, From Low Density Residential (LDR) District To Professional Business (PB) District. - ***Planning Department Case Number: RZ-2022-2224.***

Non-Consent Agenda

2nd Reading of Ordinance 2022-1831 regarding Rezoning Property Located at 4263 Doby's Bridge Road, Indian Land, SC, from Low Density Residential District (LDR) to Institutional District (INS) to Allow Development of a Daycare Facility

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 4.84 Acres (TM# 0013-00-024.00) Located At 4263 Doby's Bridge Road, Indian Land, From Low Density Residential (LDR) District To Institutional (INS) District. - ***Planning Department Case Number: RZ-2022-1759.***

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2022-1831. Seconded by Allen Blackmon.

Rox Burhans stated that at the January 9th meeting, Council had stated they would be more comfortable having a Traffic Impact Analysis (TIA) prior to issuing a final ordinance reading for this rezoning. Rox stated staff received communication last week from the traffic engineer that the County would have the traffic study by early April. He stated Council could postpone final reading of the ordinance until June 12th, which would give staff sufficient time to review the study.

Terry Graham moved to amend and defer second reading of Ordinance 2022-1831 to June 12, 2023. Seconded by Billy Mosteller. A roll call vote was taken and the motion to defer 2nd Reading of Ordinance 2022-1831 Passed 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nays: Luis. The original motion to approve died.

Steve Harper and Council all wished Rox Burhans good luck in his new position with the City of Cornelius.

1st Reading of Ordinance 2023-1838 regarding Amending the Fiscal Year 2022-2023 Budget

Ordinance Title: An Ordinance To Amend Ordinance No. 2022-1803, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (FY 2022-2023), 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 2023-1838. Seconded by Charlene McGriff.

Kim Belk presented an amendment to the budget regarding construction of a new building for Camp Creek Fire Department. She explained that Council had previously passed a resolution supporting the project in September of 2020. She stated Camp Creek had recently completed the permitting process and that they were now ready for the funds to be released.

A roll call vote was taken and the motion to approve the 1st Reading of Ordinance 2023-1838 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Discussion and Action Items

Approval of Appointments to Various Boards or Commissions

- Judianna Tinklenberg as the District 4 representative to the Planning Commission to fill an unexpired term that would end on 06/30/2023 AND to fill her first four year term that would expire on 06/30/2027
- Dan West as the District 1 representative to the Historical Commission to fill an unexpired term that would end on 06/30/2025
- Alice Willis as one of the Advisors to the Historical Commission to fill an unexpired term that would end on 06/30/2025
- Richard W. Van Hall as one of the Advisors to the Historical Commission to fill an unexpired term that would end on 06/30/2025

Charlene McGriff moved to approve all appointments as listed. Seconded by Terry Graham. A roll call vote was taken and the motion to approve the appointments Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None

Status of items tabled, recommitted, deferred or held

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

Miscellaneous Reports and Correspondence

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

Executive Session

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

***1. Receipt of legal advice subject to attorney-client privilege regarding the status of pending litigations.
SC Code 30-4-70(a)(2).***

Charlene McGriff moved to go into Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0. At approximately 7:20 p.m., Council went into Executive Session to receive legal advice subject to attorney-client privilege regarding the status of pending litigations, 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 7:54 p.m. At this time, Allen Blackmon did not rejoin the meeting via conference call and was not present for the remainder of the Council meeting. Charlene McGriff moved to come out of Executive Session. Seconded by Terry Graham.

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council received legal advice subject to attorney-client privilege regarding the status of pending litigations. She also noted that, during Executive Session, no decisions were made and no votes were taken.

The motion to come out of Executive Session Passed 6-0; Absent: Blackmon

Adjournment

Jose Luis moved to adjourn the Council meeting. Seconded by Brian Carnes. The motion to adjourn Passed 6-0; Absent: Blackmon

There being no further business, the regular meeting of County Council adjourned at approximately 7:55 p.m.

Respectfully Submitted:

Donna Greene

Donna Greene
Deputy Clerk to Council

Approved by Council on February 13, 2023



Billy Mosteller, Secretary