

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 22, 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: Brian Carnes, Allen Blackmon, Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, and Jose Luis.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Sabrena Harris, Chief Financial Officer/Finance Director; Monique Beasley, Accounting Manager; Jamie Privuznak, Budget Director; Grant Davis, Mauldin & Jenkins; 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.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting, and recognized Terry Graham's birthday. Dennis Marstall introduced Sabrena Harris, the County's new Chief Financial Officer.

Pledge of Allegiance and Invocation - Council Member Jose Luis

Jose Luis 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 Allen Blackmon. The motion Passed by a vote of 7-0.

Citizens Comments

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

1. Gary Alden, Indian Land, SC did not come up to the podium to speak when his name was called;
2. Ann Dyckman, Lancaster, SC spoke against Ordinance 2023-1879 due to the potential health issues related to fumes from an asphalt plant;
3. Daniel Jordan, Lancaster, SC stated his opposition of Ordinance 2023-1879 due to the odor put out from an asphalt plant;
4. Kathy Storm, Lancaster, SC questioned how County Council makes decisions, and if they make efforts to keep their constituents informed with current agenda items;
5. Janice Hopper, Lancaster, SC spoke in opposition of Ordinance 2023-1879 and potential health hazards related to fumes from an asphalt plant;
6. Glenn Trutner, Lancaster, SC spoke in opposition of Ordinance 2023-1879;
7. Bill Lins, Lancaster, SC spoke in opposition of Ordinance 2023-1879 due to the odor put out from an asphalt plant;
8. Bonnie Lins, Lancaster, SC spoke in opposition of Ordinance 2023-1879 due to the order put out from an asphalt plant;
9. Jeffrey Schwartz, Lancaster, SC spoke in opposition of Ordinance 2023-1879 and the potential traffic increase associated with an asphalt plant;
10. Bruce Cohen, Lancaster, SC spoke in opposition of Ordinance 2023-1879 and voiced concerns with road damage and the depreciation of homes in the Indian Land area of the County;
11. Ken Beck, Indian Land, SC stated that Council needed to slow down planning processes and work with the Planning Commission more;
12. Lee Guerra, Indian Land, SC spoke in opposition of Ordinance 2023-1879 due to the odor put out from an asphalt plant; and
13. Mark Mizzer, Indian Land, SC spoke in opposition of Ordinance 2023-1879.

Steve Harper invited Allison Hardin up to the podium to speak regarding Ordinance 2023-1879.

Council members received physical copies of the following electronically submitted Citizen Comments:

1. Jeffrey Schwartz, Lancaster, SC wrote in opposition of Ordinance 2023-1879 and stated his concerns with the environmental and traffic impact on the quality of lives and a physical copy of his comments are attached as Schedule A to the written minutes in the Clerk to Council's office;
2. Donna Ominsky, Indian Land, SC wrote in opposition of Ordinance 2023-1879 due to pollution and health concerns and a physical copy of her comments are attached as Schedule B to the written minutes in the Clerk to Council's office;
3. Trudy and Ken Rozas, Lancaster, SC wrote in regarding their opposition of Ordinance 2023-1879 and a physical copy of their comments are attached as Schedule C to the written minutes in the Clerk to Council's office;
4. Julie Kiker, Indian Land, SC wrote in regarding Ordinance 2024-1888. She stated that Marvin Academy is an affordable private school that would benefit Indian Land families and a physical copy of her comments are attached as Schedule D to the written minutes in the Clerk to Council's office;
5. Karen and William Kasper, Lancaster, SC wrote in opposition of zoning changes for Heavy Industrial districts and the proposed setback amendments in Ordinance 2023-1879 and a physical copy of their comments are attached as Schedule E to the written minutes in the Clerk to Council's office; and
6. Shelly and Chris Heckert, Lancaster, SC wrote in concerns regarding industrial and residential growth and a physical copy of their comments are attached as Schedule F to the written minutes in the Clerk to Council's office.

Special Presentations

Grant Davis, CPA and Director with Mauldin & Jenkins and Subsidiaries, LLC, reviewed the audit via the County PowerPoint presentation. Mr. Davis stated that Lancaster County received an unmodified opinion, which means a clean opinion was issued, from Mauldin & Jenkins on the 2023 audit, and also received a second clean, unmodified opinion on the federally spent money. Lancaster County will be awarded with a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). Mr. Davis stated that an Auditor's Discussion Analysis would be provided to the County later in the week.

Dennis Marstall recognized Monique Beasley and the County's Finance Department for their work on the 2023 audit.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a**. [which is the same as Item **a**. listed below]. Seconded by Charlene McGriff. The Consent Agenda Item Passed by a vote of 7-0.

a. Approval of Minutes from the January 8, 2024 County Council Regular Meeting

Non-Consent Agenda

3rd Reading of Ordinance 2023-1879 regarding Amending the Unified Development Ordinance (UDO) regarding Chapters 2, 5, And 10 to Add a Definition and Regulations for Non-Metallic Mineral Product Manufacturing (Applicant Kim Lineberger on behalf of KCH Real Estate LLC)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapters 2, 5, And 10 To Include A New Use Definition For "Nonmetallic Mineral Product Manufacturing," To Create "Nonmetallic Mineral Product Manufacturing" As A Use Permitted With Review (PR), And To Establish The Conditions For The Use, On The Effective Date Of This Ordinance - ***Planning Department Case Number: UDO-TA-2023-1819.***

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2023-1879. Seconded by Billy Mosteller.

Allison Hardin reviewed the County's PowerPoint presentation and presented a map showing the Heavy Industrial (HI) zoned properties located in Lancaster County and reiterated that there were no parcels north of Highway 5 zoned Heavy Industrial. Charlene McGriff stated that no constituents from her district had reached out to her to voice opinions on the proposed text amendments. Ms. Hardin stated according to the zoning code, use variances were not allowed, which was why the applicant did not apply for one originally. Council and staff continued to discuss Council's commitment to change asphalt plant's in Heavy Industrial from permitted with review to conditional use at a later date by using a pending ordinance. Jose Luis moved to amend Ordinance 2023-1879 so that it would apply to parcels of no less than six acres but no more 15 acres. Seconded by Terry Graham. Council and staff discussed concerns regarding how that would affect the current property in question, as it was part of a bigger parcel of property that was not deeded or platted. Jose Luis withdrew his motion to amend and Terry Graham withdrew his second. Jose Luis made a motion to amend Ordinance 2023-1879 so that it would apply to parcels with a minimum of 21 acres. There was no second and so the revised motion to amend died on the floor.

Council voted on the 3rd Reading of Ordinance 2023-1879 and it Passed by a vote of 4-3. Ayes: Blackmon, Harper, Mosteller, McGriff. Nays: Carnes, Graham, Luis.

1st Reading of Ordinance 2024-1888 regarding Amending the Future Land Use Designation for Property Located at 1662 MacMillan Park Drive from Employment Center to Neighborhood Mixed-Use

Ordinance Title: An Ordinance To Approve The Request Of Greybridge MacMillan, LLC To Amend The Future Land Use Map Contained In The Lancaster County, South Carolina Comprehensive Plan 2014-2024, Amending The Use “Special District-Industrial” Designation To Include Private Schools As An Allowed Use. - ***Planning Case Number: CP-2023-1464.***

Charlene McGriff made a motion to approve the 1st Reading of Ordinance 2024-1888. Seconded by Brian Carnes.

Allison Hardin reviewed the project via the County's PowerPoint presentation. Several Councilmembers were in agreeance that an industrial park is not a safe location for a school and wished that the applicant would find a parcel of land that was not located in an industrial park. However, Brian Carnes did note that all of the industries were for the school and signed off on the Restated Declaration of Covenants.

The 1st Reading of Ordinance 2024-1888 Failed by a vote of 3-4. Ayes: Carnes, Graham, Luis. Nays: Blackmon, Mosteller, Harper, McGriff.

Discussion and Action Items

Appointment to the Catawba Regional Workforce Development Board

- Josephine Jebackumar to the Catawba Regional Workforce Development Board to fill a three year term that would end on 12/31/2026 (1st Term)

Charlene McGriff made a motion to approve the appointment of Josephine Jebackumar to the Catawba Regional Workforce Development Board. Seconded by Terry Graham.

There was no discussion from Council. The motion Passed by a vote of 7-0.

Status of items tabled, recommitted, deferred or held

- HOLD UNTIL THE 2-12-2024 COUNCIL MEETING - 2nd 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. The Planning Commission recommended denial by unanimous vote and the Planning staff also recommended denial of the rezoning request. At the October 9th Council Meeting, the public hearing was held but the 1st Reading was postponed until the October 23, 2023 County Council Meeting. 1st Reading Passed 5-1 at the October 23, 2023 County Council Meeting (Billy Mosteller Opposed). At the November 13th Council Meeting, the 2nd Reading was postponed until the November 27, 2023 County Council Meeting. At the November 27th Council Meeting, the 2nd Reading was postponed until the Park Covenants have been amended. - Allison Hardin***
- HOLD UNTIL THE 2-12-2024 COUNCIL MEETING -Public Hearing and 3rd Reading of Ordinance 2023-1887 regarding Fee Agreement Amendment for Project Cobalt**
Ordinance Title: An Ordinance To Authorize And Approve The Execution And Delivery Of A First Amendment To Fee Agreement By And Among Lancaster County, South Carolina, Project Cobalt And Project Cobalt Affiliate; And To Provide For Other Matters Related Thereto. - ***Passed 7-0 at the December 11, 2023 County Council Meeting. Passed 7-0 at the January 8, 2024 County Council Meeting. - Brian Fulk***

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 a potential contractual matter relating to acquisition of property.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project.

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 a potential contractual matter relating to the acquisition of property and for the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter related to an Economic Development project and to invite the Economic Development Director into Executive Session to discuss the second matter. Terry Graham stated that he so moved. Seconded by Charlene McGriff. The motion to go into Executive Session Passed by a vote of 7-0. At approximately 7:47 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 8:09 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Terry Graham. The motion to come out of Executive Session Passed by a vote of 7-0.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to acquisition of property and received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project. She stated that during Executive session, no motions were made, and no votes were taken.

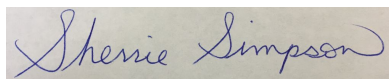
Adjournment

Terry Graham moved to adjourn the Council meeting. Seconded by Billy Mosteller. The motion to adjourn Passed by a vote of 7-0.

There being no further business, the regular meeting of Council adjourned at approximately 8:10 p.m.

<Signatures Appear on Next Page>

Respectfully Submitted:

A handwritten signature in blue ink that reads "Sherrie Simpson". The signature is written in a cursive style with a large, looped 'S' at the beginning.

Sherrie Simpson
Clerk to Council

Approved by Council on February 12, 2024

A handwritten signature in black ink that reads "Billy Mosteller". The signature is written in a cursive style with a large, looped 'B' at the beginning. The signature is positioned above a horizontal line.

Billy Mosteller, Secretary