

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 10, 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, Charlene McGriff and Billy Mosteller.

Council Members Absent: Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Donna Greene, Deputy Clerk to Council; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; Christine Schwartz, Catawba Regional Council of Governments, who joined the meeting via Conference Call; Debbie Jaillette, Executive Director for the Lancaster County Council of the Arts; 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 6:04 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. He introduced Donna Greene as the new Deputy Clerk to Council.

Pledge of Allegiance and Invocation - Council Member Allen Blackmon

Boy Scout Kiernan Cole led the Pledge of Allegiance to the American Flag and Allen Blackmon delivered the Invocation.

Approval of the Agenda

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

Special Presentations

Steve Harper opened the Community Needs Assessment Public Hearing at approximately 6:07 p.m.

There were approximately 29 citizens in attendance during the Community Needs Assessment Public Hearing. The Attendees sign-in sheet is attached as Schedule A to the written minutes in the Clerk to Council's office; however, only a portion of the attendees actually completed the sign-in sheet.

The sign-in sheet to speak during the Public Hearing is attached as Schedule B to the written minutes in the Clerk to Council's office. The following speakers signed up for and came forward to speak during the Public Hearing:

1. Jamie Miller, Lancaster, SC, spoke representing a new homeless ministry and the need for a homeless shelter in Lancaster; and
2. Leland Summers, Lancaster, SC, spoke regarding the need for help with homelessness in Lancaster and the need for affordable housing in Lancaster.

The Public Hearing concluded at approximately 6:13 p.m.

Christine Schwartz with the Catawba Regional Council of Governments, who joined the Council Meeting via telephone conference call, then reviewed the Citizens Participation Plan and the upcoming grant opportunities for the Community Development Block Grant (CDBG) Program. She then reviewed the Prioritized Community Needs list from March of 2021, so that it could be updated. Christine Schwartz suggested removing the following sentence from Item 1 since that project is already underway: "This also includes the replacement of the water meter valve vault for the City of Lancaster's water system." Council and Christine Schwartz discussed whether Items 2 (demolitions), 3 (COVID) and 8 (turning lanes) should remain on the list and it was determined that all of those items should remain on the list. Council also discussed adding a homeless shelter and/or providing services to the homeless population to the Prioritized Community Needs list. Christine Schwartz indicated that she could research whether CDBG grants could assist in that area but that she thought all they could do would be to assist with providing infrastructure to a new facility but that the grants would not build a new facility itself. Allen Blackmon moved to add homelessness to the Prioritized Community Needs list as item number 4. Seconded by Billy Mosteller. Motion Passed 6-0.; Absent: Graham

Debbie Jaillette, Executive Director for the Lancaster County Council of the Arts, provided Council with an update on the work being done by the Council of the Arts. She played a video overview for Council regarding their work; however, a copy of the commercial was unable to be provided in a written format that could be attached to the minutes.

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.**, **7d.**, **7e.** and **7f.** [as listed in the Agenda package, which are the same as Item **a.**, Item **b.**, Item **c.**, Item **d.**, Item **e.** and Item **f.** listed below]. Seconded by Charlene McGriff. Motion Passed 6-0.; Absent: Graham

- a. **Approval of Minutes from the December 13, 2021 County Council Regular Meeting**
- b. **Approval of Minutes from the December 15, 2021 County Council Committee Of The Whole Meeting**
- c. **3rd Reading of Ordinance 2021-1788 regarding Approval of Easement Grants to the City of Lancaster for the Lancaster Air Rail Park**

Ordinance Title: An Ordinance To Approve Easement Grants To The City Of Lancaster Upon Real Property Owned By Lancaster County Bearing Tax Parcel Number 0066-00-040.00 And To Authorize County Officials To Take Such Actions As Are Necessary To Effectuate The Grant Of The Easements And To Effectuate The Purposes Of This Ordinance.

- d. **2nd 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.*

- e. **2nd 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.

- f. **2nd 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

Non-Consent Agenda

Public Hearing and 3rd Reading of Ordinance 2021-1785 regarding Project Arrowhead Existing FILOT Assignment Ordinance and Amendment

Ordinance Title: An Ordinance To Consent To An Assignment Of Interests Under An Existing Fee In Lieu Of Tax And Incentive Agreement To [Project Arrowhead]; And To Authorize The Execution And Delivery Of A First Amendment To Such Existing Fee In Lieu Of Tax And Incentive Agreement, So As To, Among Other Things, Extend Its Term.

Jamie Gilbert announced that the name of the company identified as Project Arrowhead in Ordinances 2021-1785 and 2021-1786 was Chief Industries, Inc.

Steve Harper opened the Public Hearing for Ordinance 2021-1785 at approximately 6:55 p.m.

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

There were approximately 20 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 6:55 p.m.

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2021-1785. Seconded by Brian Carnes.

Billy Mosteller moved to amend Ordinance 2021-1785 to identify Chief Industries, Incorporated, as the company previously identified as Project Arrowhead within the Ordinance and within Exhibit B to the Ordinance, to set forth the prior assignment and assumption history of the original 2008 Fee Agreement that is referenced in the Ordinance, and to correct the reading dates of the Ordinance. He further moved that the amendment shall be in the same form and of the same substance as the proposed amended Ordinance and Proposed amended Exhibit provided to County Council as supplemental materials to the agenda. Seconded by Charlene McGriff. The motion to amend Passed 6-0.; Absent: Graham. The red line version of Ordinance 2021-1785 that notes the changes to the Ordinance and that was provided to Council as supplemental material is attached as Schedule C to the written minutes in the Clerk to Council's office. The red line version of the First Amendment to the Fee In Lieu of Tax and Incentive Agreement that notes the changes to that document and that was provided to Council as supplemental material is attached as Schedule D to the written minutes in the Clerk to Council's office. The proposed amended Ordinance 2021-1785 that was provided to Council as supplemental material is attached as Schedule E to the written minutes in the Clerk to Council's office.

The motion to approve the 3rd Reading of Ordinance 2021-1785 as amended Passed 6-0.; Absent: Graham

Public Hearing and 3rd Reading of Ordinance 2021-1786 regarding Project Arrowhead FILOT and SSRC for New Investment

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee In Lieu Of Tax And Incentive Agreement By And Between Lancaster County And [Project Arrowhead] Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

Steve Harper opened the Public Hearing for Ordinance 2021-1786 at approximately 7:00 p.m.

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

There were approximately 14 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 7:00 p.m.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2021-1786. Seconded by Larry Honeycutt.

Allen Blackmon moved to amend Ordinance 2021-1786 to identify Chief Industries, Inc., as the company previously identified as Project Arrowhead within the Ordinance and within Exhibit A, the Fee in Lieu of Tax and Incentive Agreement, to identify the real property subject to the Agreement, and to define terms and populate fields within the Agreement and to correct the reading dates of the Ordinance. He further moved that the amendment shall be in the same form and of the same substance as the proposed amended Ordinance and Proposed amended Exhibit provided to County Council as supplemental materials to the agenda. Seconded by Charlene McGriff. The motion to amend Passed 6-0.; Absent: Graham. The red line version of Ordinance 2021-1786 that notes the changes to the Ordinance and that was provided to Council as supplemental material is attached as Schedule F to the written minutes in the Clerk to Council's office. The red line version of the Fee In Lieu of Tax and Incentive Agreement that notes the changes to that document and that was provided to Council as supplemental material is attached as Schedule G to the written minutes in the Clerk to Council's office. The proposed amended Ordinance 2021-1786 and proposed amended Exhibit that was provided to Council as supplemental material is attached as Schedule H to the written minutes in the Clerk to Council's office.

The motion to approve the 3rd Reading of Ordinance 2021-1786 as amended Passed 6-0.; Absent: Graham

3rd Reading of Ordinance 2021-1781 regarding Rezoning Property Located at 9923 Southwinds Drive, Fort Mill, SC, from MDR to MH (Applicant Edgar Granados)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 1.5 Acres Of

Property (TMS# 0006N-0B-035.00), Located At 9923 Southwinds Drive, Fort Mill, South Carolina, From MDR, Medium Density Residential District, To MH, Manufactured Home District. - ***Planning Department Case Number: RZ-2021-2015.***

Larry Honeycutt moved to approve the 3rd Reading of Ordinance 2021-1781. Seconded by Charlene McGriff. Motion Passed 5-1. Ayes: Blackmon, Carnes, Harper, Honeycutt, McGriff; Nays: Mosteller; Absent: Graham

Public Hearing and 2nd 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.

Steve Harper opened the Public Hearing for Ordinance 2021-1791 at approximately 7:05 p.m.

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

There were approximately 12 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 7:05 p.m.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2021-1791. Seconded by Allen Blackmon. Motion Passed 6-0.; Absent: Graham

2nd 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.***

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1769. Seconded by Larry Honeycutt. Motion Passed 6-0.; Absent: Graham

Discussion and Action Items

Approval of Appointment to the Keep Lancaster County Beautiful Committee

- Toni S. Flynn to the Keep Lancaster County Beautiful Committee as one of the District 7 representatives to fill a four year term that will expire on 06/30/2025

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

Status of items tabled, recommitted, deferred or held

- a. HELD - **PUBLIC HEARING ADVERTISED FOR THE JANUARY 10th COUNCIL MEETING DELAYED UNTIL JANUARY 24th** 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. - ***Passed 7-0 at the November 8, 2021 County Council Meeting. - John DuBose/Redistricting Study Committee Chair Brian Carnes***

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 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. Receipt of Legal Advice concerning Redistricting. SC Code 30-4-70(a)(2).

Charlene moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 6-0.; Absent: Graham. At approximately 7:09 p.m., Council went into Executive Session to discuss the following item: (1) receipt of legal advice concerning Redistricting, pursuant to South Carolina Code 30-4-70(a)(2).

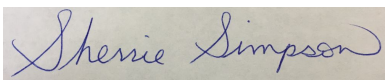
Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 7:58 p.m. Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff. Motion Passed 6-0.; Absent: Graham

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received legal advice concerning redistricting. 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 Allen Blackmon. The motion to adjourn Passed 6-0.; Absent: Graham. There being no further business, the regular meeting of Council adjourned at approximately 7:59 p.m.

Respectfully Submitted:



Sherrie Simpson
Clerk to Council

Approved by Council on January 24, 2022



Billy Mosteller, Secretary