

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 8, 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: Allen Blackmon, Brian Carnes, 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; Brian Fulk, Economic Development Director; Brenda Thompson, Communications and Marketing Director; Jeff Catoe, Public Works Director; Frannie Heizer, Burr Forman LLC (via conference call); 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 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.

Pledge of Allegiance and Invocation - Council Member Brian Carnes

Brian Carnes 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 Charlene McGriff. Motion Passed by a vote of 7-0.

Citizens Comments

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

1. Revery Johnson, Indian Land, SC requested that funding received from building permits go toward the library system, specifically the Del Webb library.
2. Ben Trutner, Lancaster, SC spoke regarding his concerns with proposed Heavy Industrial District rezonings.

The follow citizens submitted electronic, written comments for Citizen Comments: None.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **6a.**, **6b.**, and **6c.** [which are the same as Item **a.**, **b.**, and **c.** listed below]. Seconded by Charlene McGriff. The Consent Agenda items Passed by a vote of 7-0.

- a. **Approval of Minutes from the December 11, 2023 County Council Regular Meeting**
- b. **Approval of Minutes from the December 13, 2023 County Council Committee of the Whole Meeting**
- c. **2nd Reading of Ordinance 2023-1887 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.

Non-Consent Agenda

2nd 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 2nd Reading of Ordinance 2023-1879. Seconded by Billy Mosteller.

Allison Hardin reviewed the amendment via the County PowerPoint presentation. Ms. Hardin and Council discussed the difference in properties with conditional use approval versus allowed by right and highlighted the number of properties zoned Heavy Industrial north of Highway 5.

Jose Luis made a motion to amend Ordinance 2023-1879 to a Conditional Use process instead of a Use Permitted with Review (PR). Seconded by Terry Graham.

Allen Blackmon stated that he would prefer the Ordinance be approved as written, and that the amendment proposed by Mr. Luis be revisited at a later date due to the time that it would take to have the amendment go through the proper planning process. Council and the applicant, Kim Lineberger, discussed how a potential delay would affect the company and the financial commitments they planned to make in early February.

The proposed amendment Failed by a vote of 3-4. Ayes: Carnes, Graham, Luis. Nays: Blackmon, Harper, Mosteller, McGriff.

Allen Blackmon made a motion that immediately upon passing the 3rd Reading of Ordinance 2023-1879, staff would be instructed to proceed with creating a text amendment to the Unified Development Ordinance (UDO) that would make this a Conditional Use process going forward. Seconded by Charlene McGriff.

There was no discussion from Council. The motion Passed by a vote of 6-1. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff, Graham. Nays: Luis.

The 2nd Reading of Ordinance 2023-1879 Passed by a vote of 5-2. Ayes: Blackmon, Carnes, Harper, Mosteller, McGriff. Nays: Graham, Luis.

1st Reading of Ordinance 2024-1889 regarding Excess Capital Project Sales Tax Collections

Ordinance Title: An Ordinance Amending And Restating Ordinance No. 2022-1796 Specifying The Purposes For Which Excess Capital Project Sales Tax Collections From The First Reimposed Capital Project Sales Tax Will Be Utilized Pursuant To State Budget Proviso And The Capital Project Sales Tax Act.

Charlene McGriff made a motion to approve the 1st Reading of Ordinance 2024-1889. Seconded by Billy Mosteller.

Dennis Marstall presented the 1st Reading of Ordinance 2024-1889 and highlighted that the proposed Ordinance would provide clarifying language for how excess funds from the Capital Project Sales Tax Two would be utilized.

Brian Carnes made a motion to amend the verbiage in section 4 of Ordinance 2024-1889 to show that the Lindsay Pettus Greenway Phase Two would not receive more funding, and that the University of South Carolina Lancaster's pedestrian improvements and County road projects would be funded twice. Seconded by Allen Blackmon. At approximately 6:50 p.m., Charlene McGriff recused herself from the discussion and stepped out of the Council Meeting due to her affiliation with the University of South Carolina Lancaster Education Foundation. Her Statement of Recusal is attached as Schedule A to the written minutes in the Clerk to Council's Office. Allen Blackmon requested that Frannie Heizer be brought into the Council meeting via conference call to discuss the Proviso and to provide clarification on the allocation of funds. Ms. Heizer stated that the voters approved an initial amount for the Detention Center, and the Proviso allowed for the advancement of excess funds for projects under the Capital Project Sales Tax Three. Council and Ms. Heizer discussed State law regarding Capital Project Sales Tax Three and the Proviso. Several Council members expressed what their intentions were when the original Ordinance was voted on in 2022. Steve Harper called for a vote for the amendment that was on the floor. The amendment died on the floor by a vote of 3-3. Ayes: Blackmon, Carnes, Harper. Nays: Billy Mosteller, Terry Graham, Jose Luis. Recused: Charlene McGriff.

There was no further discussion from Council. The 1st Reading of Ordinance 2024-1889 Failed by a vote of 2-4. Ayes: Mosteller, Graham. Nays: Blackmon, Carnes, Harper, Luis. Recused: McGriff.

Charlene McGriff returned to the Council meeting at approximately 7:15 p.m.

Discussion and Action Items

Appointment to the Indian Land Consolidated Fire Commission

- Lance Reynolds to the Indian Land Consolidated Fire Commission to fill an initial term that would end on 12/31/2026

Brian Carnes made a motion to approve the appointment of Lance Reynolds to the Indian Land Consolidated Fire Commission. Seconded by Allen Blackmon.

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

Status of items tabled, recommitted, deferred or held

- a. 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***
- b. HOLD UNTIL THE 1-22-2024 COUNCIL MEETING - 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. The Planning Commission recommended denial of the request and the Planning staff also recommended denial. - Allison Hardin***

There was no discussion regarding the status of any tabled, recommitted, deferred or held items.

Executive Session

Four Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to County office space.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to County Office space.
3. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project.
4. Receipt of legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals.

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 two potential contractual matters relating to County office space; the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project; and receipt of legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals and to invite the Economic Development Director into Executive Session to discuss the third matter and the Development Services Director into Executive Session to discuss the fourth matter. Brian Carnes 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 7:16 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 7:55 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Brian Carnes. 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 two potential contractual matters relating to County office space; received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project; and received legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals. She stated that during Executive session, no motions were made, and no votes were taken.

Adjournment

Brian Carnes 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 7:56 p.m.

Respectfully Submitted:

Approved by Council on January 22, 2024

Lauren Hill

Lauren Hill
Deputy Clerk to Council

A handwritten signature in dark ink, appearing to read "B Mosteller", written over a horizontal line.

Billy Mosteller, Secretary