

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: "Vacant"
District 7: Brian Carnes, Vice Chair

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

October 16, 2024

4:00 PM

LANCASTER COUNTY COUNCIL**COMMITTEE OF THE WHOLE**

COUNTY COUNCIL CHAMBERS, COUNTY ADMINISTRATION
BUILDING, 101 NORTH MAIN STREET, LANCASTER, SC 29720

MINUTES

Council Members Present: Brian Carnes, Steve Harper, Billy Mosteller, Charlene McGriff, Terry Graham, Jose Luis (via conference call).

Staff Members/Others Present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Allison Hardin, Development Services Director; Chris Clouden, Parks and Recreation Director; Sheriff Barry Faile; Chad Catledge, Perception Builders; 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.

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the Committee of the Whole meeting to order at approximately 4:00 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.

Terry Graham made a motion to amend the agenda so that item **6e.** would be moved up to **6a.**

Seconded by Charlene McGriff. A roll call vote was taken. The motion to amend Passed by a vote of 6-0; Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis.

A roll call vote was taken. The motion to approve the agenda, as amended, Passed by a vote of 6-0; Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis.

Citizens Comments

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

1. David Basri, Lancaster, SC, spoke regarding the Riverchase Estates Development and impact fees for the Van Wyck Fire Department.
2. Jennifer Sabbatino, Lancaster, SC, spoke regarding the Riverchase Estates Development, the need for a fire station, and the lack of developer communication.

The following citizens submitted electronic, written comments for Citizen Comments, of which Council received physical copies at their seats and which were acknowledged during the meeting by Sherrie Simpson, Clerk to Council:

1. Bill Nelson, Lancaster, SC, wrote in regarding the Riverchase Estates Development and his support for the proposed fire station for the community. A copy of his comments is attached as Schedule A to the written minutes in the Clerk to Council's office.
2. Jennifer Nelson, Lancaster, SC, wrote in regarding the Riverchase Estates Development, the promised fire station, a second entrance to the development and sidewalks. A copy of her comments is attached as Schedule B to the written minutes in the Clerk to Council's office.
3. Susanne Camilleri, Lancaster, SC, wrote in regarding traffic concerns on Riverside Road, trails and natural areas in the Riverchase Estates Development, the need for communication between the developer and HOA, and the proposed fire station. A copy of her comments is attached as Schedule C to the written minutes in the Clerk to Council's office.
4. Stephen Wood, Lancaster, SC, wrote in regarding the need for an additional construction entrance into the Riverchase Estates Development, amenities, the contracted fire station, and communication between the developer and residents. A copy of his comments is attached as Schedule D to the written minutes in the Clerk to Council's office.
5. Michael and Gulden Barry, Lancaster, SC, wrote in regarding the need for the contracted fire station and quarterly meetings with the Riverchase Estates developer. A copy of their comments is attached as Schedule E to the written minutes in the Clerk to Council's office.
6. Elaine B., Lancaster, SC, wrote in regarding the Riverchase Estates Development and the need for the contracted fire house and developer communication. A copy of her comments is attached as Schedule F to the written minutes in the Clerk to Council's office.

Discussion and Action Items

e. Discussion regarding Riverchase Development Fees - Dennis Marstall

Dennis Marstall briefly reviewed the Riverchase Estates Development Agreement (DA) with LGI Homes, LLC, which was created in 2008. Mr. Marstall highlighted that in the DA, it stated

that the developer would donate \$1.2 million (which would escalate based on the annual percentage of the consumer price index) on or before the issuance of the Certificate of Occupancy (CO) for the 250th dwelling in Riverchase Estates development, and the funds would be used exclusively for the design of a fire station on the 5.77 acre tract donated by the developer. Mr. Marstall noted that he spoke with the Regional Vice President for LGI Homes, and was told that they did not have an established time frame to turn over the land or the stipulated amount of money for the fire station.

Council and staff discussed where the rooftop fees have been allocated, and Terry Graham stated that he wanted to place the dedication of Riverchase Development Agreement funds to its own budget account on the agenda for the next regular meeting of County Council. Allison Hardin explained that the funds allocated from various Development Agreements in the County were placed in an account that combined them, but the funds were now in individual accounts. Dennis Marstall noted that staff would research the legality of enforcing communication between the developer and the Home Owners Association (HOA).

a. Detention Center Update - Dennis Marstall / Chad Catledge

Dennis Marstall introduced Chad Catledge with Perception Builders. Mr. Catledge provided Council with an update on the Detention Center Project via the County's PowerPoint presentation. Council and Mr. Catledge discussed value engineering items and grading costs, and Mr. Catledge explained that there was an estimated \$1million in cost escalations. Mr. Marstall noted that the groundbreaking would take place in November. Charlene McGriff requested that the project updates occur quarterly, and Jose Luis requested that the updates occur more often if cost escalations continue to increase.

b. Regional Park Update - Stephany Snowden

Stephany Snowden provided Council with an update on the Regional Park via the County's PowerPoint presentation. Steve Harper questioned if money from the Hospitality Tax fund could be utilized to add one or two additional sub-elements to the park. Council and staff discussed several items, including the potential of a reduction in parking spaces, the need for a playground, design contingencies, cost adjustments after bids, the need for a contractual agreement with the University of South Carolina-Lancaster for the use of the baseball field, and the possibility of a synthetic field being used for soccer tournaments.

c. County Transportation Road Work Update - Jeff Catoe

Jeff Catoe provided Council with a roads projects update via the County's PowerPoint presentation. Mr. Catoe reviewed projects that were funded by the C-Tax (gasoline tax), road fee, Capital Project Sales Tax 2, Capital Project Sales Tax 2 Proviso, and Capital Project Sales Tax 3. Mr. Catoe thanked County Council for their support of raising the road fee and the Delegation for raising the gas tax and providing the funding. Mr. Catoe introduced Bryan Faulkenberry, with ICE Engineering, and John Robinson, the County's Road Maintenance Director.

d. Review of Chapter 4 for the Re-write of the Unified Development Ordinance - Allison Hardin

Steve Harper stated that he wanted a lot removed from the Unified Development Ordinance (UDO). Allison Hardin reviewed Chapter 4 of the re-write of the UDO via the County's

PowerPoint presentation. Ms. Hardin explained that the chapter focused on landscaping, riparian buffers, tree preservation, and open space. Dennis Marstall noted that the UDO consultants would be meeting with the Planning Commission prior to the November Committee of the Whole (COW) meeting, and that the majority of the November COW meeting would be focused on the UDO.

f. American Rescue Plan Act (ARPA) Update - Stephany Snowden

Stephany Snowden provided Council with an update on the American Rescue Plan Act (ARPA) projects that had been completed and the projects that were in process via the County's PowerPoint presentation. Ms. Snowden stated that the County will have all \$19 million allocated by the Federal ARPA deadline, which is December 31, 2024.

g. Review of the 2025 Calendar for Council, Boards and Commissions and the County Holiday Schedule

Sherrie Simpson explained that Council would need to take a vote to approve the calendar for Council, Boards and Commissions, and the County holiday schedule at the November 12, 2024, regular Council meeting.

Adjournment

Billy Mosteller moved to adjourn the Committee of the Whole meeting. Seconded by Brian Carnes. A roll call vote was taken. The motion to adjourn Passed by a vote of 6-0; Ayes: Carnes, Harper, Mosteller, McGriff, Graham, Luis.

There being no further business to discuss, the Committee of the Whole meeting adjourned at approximately 6:10 p.m.

Respectfully Submitted:

Lauren Hill

Lauren Hill
Deputy Clerk to Council

Approved by Council on November 12, 2024

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

Billy Mosteller, Secretary

Sherrie Simpson

Schedule A

From: Bill Nelson <bn18@msn.com>
Sent: Monday, October 14, 2024 1:05 PM
To: Sherrie Simpson
Subject: Riverchase Estates



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—IT Helpdesk, lancastersc.supportsystem.com

Sherrie,

I wanted to voice my support for the planned firehouse contracted for Riverchase to the County Planning Commission and the City Council. A new firehouse is vital for the safety of our community.

I would also like to extend my support for regularly scheduled quarterly meetings with our developer LGI.

Please add my comments to the meetings scheduled for 10/15/24 and 10/16/24.

Regards,
Bill Nelson

3413 Sherman Dr.
Lancaster, SC 29720
973-248-7950

Sherrie Simpson

Schedule B

From: Jenn Nelson <jennferdine@yahoo.
Sent: Monday, October 14, 2024 1:21 PM.
To: Sherrie Simpson
Subject: Committee of the Whole- Wednesday, October 16

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Hello Ms. Simpson,
I hope this email finds you well.
As a resident of Riverchase, I'd like to express my current concerns of our beautiful community.
First and foremost, safety of our residents. Before approving any further development phases, I feels it's important for the developer LGI to move forward with the contracted firehouse as promised. I also feel they should add a second entrance/exit to the community in case of a catastrophic disaster. Currently the residents only have one way in and out of the community. And lastly, I feel sidewalks would add safety to those that walk for exercise, walk their dogs and children playing. There is a signficcate issue with construction and lawn maintenance workers driving excessive speeds through the community.
I hope this gives a snapshot to the concerns we're dealing with here in Riverchase.
Adding additional "phases" will make the current issues worsen.
The boards considerations is greatly appreciated.
Best regards,
Jennifer Nelson


Sherrie Simpson

Schedule C

From: Susanne Camilleri <susannec.100@gmail.com>
Sent: Monday, October 14, 2024 2:07 PM
To: Sherrie Simpson
Subject: Riverchase Estates-resident concerns

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Hello,

I am writing as a resident to express my concern on several issues regarding our Riverchase Estates neighborhood, with the two upcoming council meetings in mind.

1. The intersection at Route 5 and Riverside Road is extremely dangerous as it currently exists, with accidents happening with regular frequency. A traffic signal, turn lanes, roundabout or some other mechanism needs to be considered and implemented as soon as possible to avoid future accidents and potential loss of life.
2. The next phase of this neighborhood needs to be considered including regard for keeping our beautiful trails and natural areas undisturbed. That is a huge part of the beauty of this neighborhood, and why we decided to live here. In addition, any additional lot building should include additional amenities for the new sections (pools, trails, courts, playgrounds) and should maintain the current level of recreational amenities and activities.
3. Communication from the current developer/HOA to the residents must be made a requirement. There is currently no communication to/from the developer and residents, with only limited one-way communication from the management company to residents. There is no discussion of monies collected/spent/budgeted/etc. and as residents of the HOA, we should be able to have discussions, ask questions, and see where our money is being spent. Perhaps an annual on-site meeting can be instituted.
4. A fire house was promised to residents who bought in this neighborhood, and it seems such has been stalled for whatever reason. It is CRITICAL that this station be constructed and staffed as soon as possible. The land is available as we have been told, and money has been allocated. It must be built immediately. In addition, communication must be provided to residents with specific details and timelines regarding this urgent need.

I thank you for your time in hearing my concerns, and I appreciate the work that you do for this county. Please pass along my concerns to the other members of the council, to be considered during the upcoming meetings on 10/15 and 10/16.

Respectfully,
Susanne Camilleri

5019 Townsend Road, Lancaster,
Riverchase Estate

Sent from my iPhone

Sherrie Simpson

Schedule D

From: Stephen Wood <sbwood53@com
Sent: Monday, October 14, 2024 3:22 PM
To: Sherrie Simpson
Subject: Comments on Riverchase Estates

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sbwood53@comcast.net

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I am a resident of Riverchase Estates and offer the following comments on the Riverchase Estates proposal, which is on the Planning Commission's October 15, 2024 Agenda and also the Landcaster County Council Committee of the Whole Meeting on October 16, 2024.

Comments on Section 2 Proposal

1. A separate, third permanent entrance/exit must be added for Section 2. The current proposal uses the existing section 1 entrance. It is essential and a safety concern that there are multiple entrance and exit locations for residents and first responders in the event of fire or other event such as hurricane
2. Separate construction entrances for all construction vehicles must be added to Sections 2 and 3. The current entrance to section 1 must not be used for construction vehicles. This is a safety issue as construction vehicles drive through the development at excessive speeds, tear up roads, drive over lawns creating a danger to residents and other visitors.
3. An accessible connecting trail system connecting section 1, 2 and 3 for the development should be shown permanently on the Platts as promised in LGI sales information, posted on neighborhood signs and website and described by sales personnel.
4. A safe and accessible kayak launch on the Catawba River should be added to the Platts as promised in LGI sales information, posted on neighborhood signs and website and described by sales personnel.
5. Existing trails in Section 1 must connect to a trail system that leads to the Catawba River and be shown permanently on the Platts.

Contracted Firehouse

The construction and operation of the Firehouse agreed to in the Riverchase Estates Development Agreement (the Agreement) between the County of Lancaster and LGI Land SC. LLC (the Developer) section 4.05 needs to begin as soon as possible. It is important for the safety and welfare of the community. In addition, the building fee assessed per Riverchase Estates home, should be moved from the county's general fund to a reserve account specifically for the contracted firehouse to support personnel, equipment and other support services. Section 3.03 of the Agreement provides for this in that the county may apply laws after the execution of the county agreement through a public hearing if the laws are essential to the public health, safety and welfare of the community subjected to the agreement.

Developer Communication

The County needs to put into place a contractual obligation for LGI to have regularly scheduled quarterly meetings with Riverchase Estates. This is necessary because issues are not being addressed in a timely manner by LGI or the HOA Management Company and can be a matter of safety in the community. It can take weeks to get a response from the Management Company or there is no response at all. The lack of communications with LGI or the Management Company is very frustrating. This is again provided for in Section 3.03 of the Agreement as necessary for the safety and welfare of the community.

Thank you for your consideration.

Stephen Wood

9720 Markham Place

Lancaster, SC

(508) 207-6621

Sherrie Simpson

Schedule E

From: Michael <barreez@gmail.com>
Sent: Tuesday, October 15, 2024 2:32
To: Sherrie Simpson
Subject: Citizen Comments for the Wednesday, Oct 16, 2024 Committee of the Whole Meeting -
Ref: Riverchase Estates

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1. Please move forward with permits/plans for the contracted firehouse to support Riverchase Estates community, and ensure the safety and welfare of the residents.
2. We ask the County to put into place a contractual obligation for LGI to have scheduled quarterly meetings with Riverchase Estates through the language in our contract. This can also be done through Section 3.03 under Safety and Welfare. It states in summation, the county may apply laws after the execution of the county agreement through a public hearing if the laws are essential to the public health, safety and welfare of the community subjected to the agreement. Communication with our Developer LGI is key to the Welfare of our residents. There are issues that are not being addressed in a timely manner by the new HOA, CAMS. It can take weeks to get a response from them or no response at all. We are frustrated with the lack of communication with LGI. We implore you to make a change through the language in our contract NOW!

Thank you for your favorable consideration.

Respectfully,

Michael and Gulden Barry

8620 Hammer Ct
Lancaster, SC 29720

540-207-2868

Sherrie Simpson

Schedule F —

From: Elaine B <k9efb.eb@gmail.com>
Sent: Monday, October 14, 2024 8:00 AM
To: Sherrie Simpson
Subject: Meeting of the Whole Wednesday, October 16th

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Good Morning Sherri

Please submit my comments below to the Meeting of the whole on Wednesday, October 16th at 4:00pm. I am unable to attend due to work.

Good Afternoon All, Thank you for hearing my comments. Elaine Bulman, 4166 Persimmon Road Lancaster SC 29720

In reference to the Riverchase Estates Contracted Firehouse as per the last section 2 planning meeting, LGI

representative mentioned LGI was ready to donate the land and monies accrued last year. The hold up has been the county. They have not budgeted, discussed or planned anything regarding the contracted firehouse over the last 16 years. This was confirmed at our previous meetings with the county administrator, Dennis Marstall. There has been absolutely no monies budgeted from the 16 years of collected revenue from the county building fee per residential dwelling currently at approximately \$8,000. The Van Wyck Fire Ordinance was voted in 3 years ago, collecting \$90.00/ roof top. It took about 3 years to budget approximately \$258,000. This afforded one paid FT fire person at the Van Wyck Firehouse and a few extra monies for fixing the current firehouse/ equipment . There are no reserve monies at all from the \$90.00 rooftop fee for the contracted firehouse. As of last month, there is about 2 million in an LGI reserve account from the 1.2 million earmarked for the firehouse along with 5 acres of donated property for the firehouse. At this time, Dennis Marstall stated the firehouse can be built with 2 million. This was also confirmed by the Fire Director and Van Wyck Fire Chief. With that being said and the 250 CO is irrelevant at this time, there is absolutely no reason for the monies and property not to transfer today for the safety of our community and surrounding existing communities and future development currently in progress. This firehouse needs to get started and permitted before our contract ends in 2028. Terry Graham is proposing moving forward the \$8,000 building fee per RCE home, be moved from the county general fund to a reserve account specifically for the contracted Riverchase Estates firehouse to support equipment and other support services, not budget from county revenue. We need this done now for the Safety and Welfare of our community. Please refer to Section 3.03 of the RCE (LGI) contract with Lancaster county. It states in summation, the county may apply laws after the execution of the county agreement through a public hearing if the laws are essential to the public health, safety and welfare of the community subjected to the agreement. The planning commission already used this section to

add our second entrance , ***not on the initial plans***, due to current adopted fire codes. Let's get going with permits/ plans for this firehouse.

Developer Communication: I am also asking the County to put into place a contractual obligation for LGI to have regularly scheduled quarterly meetings with Riverchase Estates. This can also be done through Section 3.03 Safety and Welfare. The wording is there for YOU, THE COUNTY, to change make this happen for us! Communication with our Developer is key to the Welfare of Riverchase Estates, having an understanding of what is going on in our community. We have had ZERO communication with our Developer LGI. We now have a new HOA, CAMS, that is worse than our previous HOA. We either get no response from them or it takes weeks to get an issue resolved. We had gate issues and it took Jennifer Sabatino a call to the Fire Chief to try and find out if they could access closed gates at night that were not working because we could not get an answer from our HOA and we have NO COMMUNICATION with our DEVELOPER LGI! If we had another fire we could very well have had another home burn to the ground. This was a HUGE safety issue as well and on top of that the Fire Chief as far as we know still does not have a list of current LGI Board Members for Closing out a Fire Call! When our gates were closed and not functioning we had a resident who could not get her home health people in to take care of an elderly parent. HUGE SAFETY ISSUE and no immediate contact was available with CAMS OR LGI. We need you, LANCASTER COUNTY TO PLEASE HELP GET THIS BALL ROLLING AND GET OUR DEVELOPER LGI TO START HAVING OPEN MUTUAL COMMUNICATION WITH US. THANK YOU!

Elaine