

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

November 14, 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, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff, and Billy Mosteller.

Staff Members/Others present: Dennis Marstall, County Administrator; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; John Bodner, Assistant County Administrator; Rox Burhans, Development Services Director; Brian Fulk, Economic Development Director; Clay Catoe, EMS Director; Leah Clevenger, IT Project Manager; the press; 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 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 Emma Couch, 1st Grader at McDonald Green Elementary School, and
Invocation led by Councilmember Brian Carnes**

Emma Couch, first grader at McDonald Green Elementary School, led the Pledge of Allegiance to the American Flag and Brian Carnes delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Allen Blackmon. Motion Passed 7-0.

Special Presentations

There were no Special Presentations held during the Council meeting.

Citizens Comments

The following citizens signed up for Citizens Comments:

1. Jeffrey Schwartz, Lancaster, SC, spoke in opposition regarding Ordinance 2022-1834/RZ-2022-0735 and 2022-1835/DA-2022-0735;
2. Jean Doyle, Lancaster, SC, spoke in opposition regarding Ordinance 2022-1834/RZ-2022-0735 and 2022-1835/DA-2022-0735. Ms. Doyle presented a petition, STOP Development on Van Wyck Road, which is attached as Schedule A to the written minutes in the Clerk to Council's office;
3. Mike Scisciani, CLREF III Acquisitions LLC, spoke regarding the proposed development located at 8275 Van Wyck Road. He provided a handout which is attached as Schedule B to the written minutes in the Clerk to Council's office;
4. Virginia Cornish, Lancaster, SC, spoke in opposition regarding Ordinance 2022-1833/RZ-2022-1357; and
5. Ron Ulibarri, Lancaster, SC, spoke in opposition regarding Ordinance 2022-1834/RZ-2022-0735 and 2022-1835/DA-2022-0735.

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

1. Christopher Macmanus, President, Sun City HOA Board of Directors. sent a letter in opposition of Ordinance 2022-1834/RZ-2022-0735 and 2022-1835/DA-2022-0735, which is attached as Schedule C to the written minutes in the Clerk to Council's office.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **7a.**, **7b.**, **7c.**, **7d.** and **7e.** [which are the same as Items **a.**, **b.**, **c.**, **d.** and **e.** listed below]. Seconded by Larry Honeycutt. Motion Passed 7-0.

- a. Approval of Minutes from the October 12, 2022 County Council Committee Of The Whole Meeting
- b. Approval of Minutes from the October 24, 2022 County Council Regular Meeting
- c. 3rd Reading of Ordinance 2022-1825 regarding Approval of Bonds for the Roselyn Residential Improvement District
Ordinance Title: An Ordinance To Authorize And Provide For The Issuance And Sale Of Not To Exceed \$15,000,000 Principal Amount Roselyn Residential Improvement District Assessment Revenue Bonds, In One Or More Series; To Provide For The Execution Of A Master Trust Indenture, A First Supplemental Indenture, A Bond Purchase Agreement, A Continuing Disclosure Agreement And Other Related Documents For The New Bonds; To Approve A Preliminary Limited Offering Memorandum And Authorize An Limited Offering Memorandum, Each Related To Such Bonds; To Make Other Covenants And Agreements In Connection With The Foregoing; And To Provide For Other Matters Relating Thereto.
- d. 3rd Reading of Ordinance 2022-1829 regarding Removal of Property from the Roselyn Residential Improvement District
Ordinance Title: An Ordinance To Remove Certain Property From The Roselyn Residential Improvement District; And To Provide For Other Matters Relating Thereto.

e. **2nd Reading of Ordinance 2022-1830 regarding Amending Chapter 7 of the County Code to Adopt Updated Uniform Building Codes**

Ordinance Title: An Ordinance To Amend Chapter 7 Of The Lancaster County Code To Adopt Updated Uniform Codes As Mandated By The South Carolina Building Codes Council, To Adopt Certain Permissive Uniform Codes, And To Provide For Other Matters Related Thereto.

Non-Consent Agenda

Public Hearing and 1st Reading of Ordinance 2022-1834 regarding Rezoning Five Parcels of Property Located at and Adjacent to 8275 Van Wyck Road from Rural Neighborhood District (RN) to Medium Density Residential District (MDR) (Applicant CLREF III Acquisitions LLC) (AKA Nisbet Property)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Five (5) Parcels Comprising Approximately 780.40 Acres Located At And Adjacent To 8275 Van Wyck Road (TMs 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01) From Rural Neighborhood (RN) District To Medium Density Residential (MDR) District. - *Planning Department Case Number: RZ-2022-0735.*

Terry Graham recused himself from the discussion and vote on Ordinance 2022-1834/RZ-2022-0735 and Ordinance 2022-1835/DA-2022-0735 and left the meeting at approximately 6:21 p.m. Terry Graham's Statement of Recusal is attached as Schedule D to the written minutes in the Clerk to Council's office.

Rox Burhans reviewed the County power point presentation regarding the rezoning and development agreement, which is the next agenda item, located adjacent to 8275 Van Wyck Road. The power point presentation is attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2022-1834 at approximately 6:33 p.m.

He noted that 8 citizens signed up to speak at the Public Hearing for the Ordinance.

There were approximately 82 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:

1. Richard Vaughan submitted written comments in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735, which is attached as Schedule E;
2. Rosa Sansbury spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735;
3. Linda Pelletier spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735;
4. Glenn Trutner spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735;
5. Bob Yoder spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735;
6. Stuart Graham spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735;
7. Nancy Graham spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735 ; and
8. Genie Graham spoke in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735.

County Administrator Dennis Marstall highlighted that 33 electronic and/or written citizens comments were submitted in total via either email or through the County's website; 16 prior to publication of the agenda and 17 after publication of the agenda. He stated 25 were statements in opposition of Ordinance 2022-1834/RX-2022-0735 and Ordinance 2022-1835/DA-2022-0735 and 8 were statements asking to repeal the MX district and/or to stop/slow development on Van Wyck Road. These statements are attached as Schedule F to the written minutes in the Clerk to Council's office.

Steve Harper closed the Public Hearing at approximately 6:54 p.m.

Allen Blackmon moved to approve. Seconded by Brian Carnes. Mike Scisciani with CLREF III Acquisitions stated they were respecting the conservation easement and believed this project would be smart growth. He also stated this was not high density. Each Councilmember discussed their concerns.

The motion to approve 1st Reading of Ordinance 2022-1834 Failed 0-6-1. Ayes: None; Nays: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Abstain: Graham.

Public Hearing and 1st Reading of Ordinance 2022-1835 regarding Approval of a Development Agreement with CLREF III Acquisitions LLC (AKA Nisbet Property)

Ordinance Title: An Ordinance To Approve A Development Agreement With CLREF III Acquisitions, LLC, In Accordance With Unified Development Ordinance Section 9.2.18 For A Proposed 1,019 Single-Family Residential Unit Cluster Subdivision Project With An Overall Density Of 1.3 Dwelling Units Per Acre Located On Approximately 780.40 Acres Of Land At And Adjacent To 8275 Van Wyck Road (TMS#s 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01). - **Planning Department Case Number: DA-2022-0735.**

Rox Burhans stated there was nothing to add.

Steve Harper opened the Public Hearing for Ordinance 2022-1835 at approximately 7:04 p.m.

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

There were approximately 82 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 7:04 p.m.

Allen Blackmon moved to approve. Seconded by Larry Honeycutt.

The motion to approve 1st Reading of Ordinance 2022-1835 Failed 0-6-1. Ayes: None; Nays: Blackmon, Carnes, Harper, Honeycutt, McGriff, Mosteller; Abstain: Graham.

Terry Graham returned to the meeting at approximately 7:05 p.m.

Public Hearing and 1st Reading of Ordinance 2022-1833 regarding Rezoning Seven Parcels of Property from Low Density Residential District (LDR) to Medium Density Residential District (MDR) (Applicant D.R. Horton)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Seven (7) Parcels Comprising Approximately 95.85 Acres Located West Of The Intersection Of Possum Hollow Road And Old Bales Road (TMS#s 0007-00-022.00, 0007-00-022.01, 0007-00-022.02, 0007-00-022.03, 0007-00-022.04, 0007-00-022.05, 0007-00-023.06) From Low Density Residential (LDR) District To Medium Density Residential (MDR) District. - **Planning Department Case Number: RZ-2022-1357.**

Rox Burhans reviewed the County power point presentation which is attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2022-1833 at approximately 7:13 p.m.

He noted that three (3) citizens signed up to speak at the Public Hearing for the Ordinance.

There were approximately 32 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:

1. Troy Karski, with D.R. Horton, stated he was available for questions.
2. Andrew Grant, land planner for D.R. Horton, stated this development was consistent with the comprehensive plan and surrounding community development. He stated they were proposing a walkable community that would preserve natural areas and walking trails. He stated the development would be quality and high price point development

3. Ben Levine, Indian Land, S.C., stated he would like to see a development agreement so there would not be a cluster development. He stated the plan shown was not binding and thus, he stated he could not support this development.

Steve Harper closed the Public Hearing at approximately 7:22 p.m.

Brian Carnes moved to approve. Seconded by Allen Blackmon. There were discussions on what the Indian Land community wanted as far as a good development. There were also discussions on cluster developments, development agreements, traffic study and schools. Terry Graham stated the community wants to slow growth.

The motion to approve 1st Reading of Ordinance 2022-1833 Failed 0-7. Ayes: None; Nays: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller.

Public Hearing and 1st 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.*

Rox Burhans reviewed the County power point presentation which is attached to the written minutes in the Clerk to Council's office.

Steve Harper opened the Public Hearing for Ordinance 2022-1831 at approximately 7:37 p.m.

He noted that one (1) citizen signed up to speak at the Public Hearing for the Ordinance.

There were approximately 17 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:

1. Emily Brown, attorney representing Kings Mountain Self Storage, LLC, spoke in regards to rezoning property for a daycare center. She stated they were proposing a 10,000/20,000 square foot daycare center and would possibly use an outparcel as a pediatrician office or something that would compliment the daycare center.

Steve Harper closed the Public Hearing at approximately 7:40 p.m.

Charlene McGriff moved to approve. Seconded by Larry Honeycutt. There were discussions regarding concerns about traffic impact, along with insufficient parking for the proposed facility. There were also concerns with ingress and egress for the property. Emily Brown responded that the applicant stated they were not opposed to deferral to determine parking, facility size and number of children. Charlene McGriff withdrew the motion and Larry Honeycutt withdrew the second.

Brian Carnes moved to defer this item to the meeting on January 9, 2023. Seconded by Allen Blackmon.

The motion to defer 1st Reading of Ordinance 2022-1831 to meeting on January 9, 2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None.

Public Hearing and 1st Reading of Ordinance 2022-1832 regarding Approval of a Development Agreement for Shiloh Woods (Applicant Century Communities)

Ordinance Title: An Ordinance To Approve A Development Agreement With Century Communities Southeast, LLC, In Accordance With Unified Development Ordinance Section 9.2.18 For A Proposed 398-Unit Single-Family Cluster Subdivision Development Located On Approximately 169.86 Acres Of Land At 500 And 516 W. Shiloh Unity Road (TMS#s 0049-00-004.13, 0049-00-004.16, 0049-00-005.01 And 0049-00-005.02). - *Planning*

Department Case Number: DA-2022-0733.

Chairman Steve Harper recused himself from the discussion and vote on Ordinance 2022-1832. Vice Chair Brian Carnes took over the meeting at approximately 7:57 p.m. Steve Harper's Statement of Recusal is attached as Schedule G to the written minutes in the Clerk to Council's office.

Rox Burhans reviewed the County power point presentation which is attached to the written minutes in the Clerk to Council's office. Terry Graham asked what the Planning Commission's dissenting votes were about. Rox Burhans stated there were cluster development concerns and the Traffic Study was not fully complete. Billy Mosteller asked if the Pleasant Valley Fire Department servicing the development area was a clerical error, as it should be Riverside or Shiloh Zion. Billy Mosteller stated he liked that they would be willing to open as a voting precinct. Terry Graham asked that the County consider reevaluating the \$500 school fee. Council and staff also discussed sunset dates for development agreements.

Brian Carnes opened the Public Hearing for Ordinance 2022-1832 at approximately 8:12 p.m.

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

There were approximately 13 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.

Brian Carnes closed the Public Hearing at approximately 8:13 p.m.

Charlene McGriff moved to approve. Seconded by Larry Honeycutt. Terry Graham stated a Traffic Impact Analysis was needed and, so, he would be opposed to the ordinance..

The motion to approve 1st Reading of Ordinance 2022-1832 Passed 5-1-1. Ayes: Blackmon, Carnes, Honeycutt, McGriff, Mosteller; Nays: Graham; Abstain: Harper.

Steve Harper returned to the meeting at approximately 8:14 p.m. and resumed his duties as Chair of the meeting.

1st Reading By Title Only of Ordinance 2022-1836 Amending That Certain March 22, 2021 Special Source Revenue Credit Agreement By And Between Lancaster County And Studio Displays, Inc. To Add T&T Capital, LLC As A Party Thereto With Retroactive Effect

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of An Amendment To That Certain March 22, 2021 Special Source Revenue Credit Agreement By And Between Lancaster County, South Carolina And Studio Displays, Inc. (The "SSRC Agreement") To Add T&T Capital, LLC As A Party Thereto With Retroactive Effect; To Extend The Provision Of Special Source Revenue Credits Under The SSRC Agreement To Investment Made By T&T Capital, LLC In Lancaster County; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 1st Reading of Ordinance 2022-1836. Seconded by Allen Blackmon.

John DuBose stated the ordinance would add T&T Capital, LLC to the capital agreement with Studio Displays Incorporated. He stated Lancaster's adopted Code of Parliamentary Procedure Section 2-50 of the County Code requires 1st reading by title only if reason for expediency was included in the minutes. He stated the reason for expediency was that if T&T's capital investment was not included retroactively in the investment requirements of the Special Source Revenue Credit (SSRC) Agreement, then they would not have met the investment requirement pursuant to the agreement. He provided an overview of the Ordinance. He stated that the previous Ordinance 2021-1713 was provided as an attachment in the agenda packet.

The motion to approve the 1st Reading of Ordinance 2022-1836 by title only Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None.

Resolution 1220-R2022 regarding Authorizing the Transfer of Funds within the General Fund to Allow for the Creation of a Position in Economic Development

Resolution Title: A Resolution To Authorize The Transfer Of Funds Within The County General Fund; To Authorize Certain County Officials To Take Actions Necessary To Effectuate The Purposes Of This Resolution; And To Provide For Other Matters Related Thereto.

Larry Honeycutt moved to approve. Seconded by Billy Mosteller.

Dennis Marstall explained that this resolution would add an Administrative Assistant position for Economic Development. He stated this position would assist with calculations for Fee In Lieu of Tax (FILOT) agreements in order to take work off of the Auditor's Office. He stated the County does have funds in the Communications & Marketing Department that could be used to fund the position.

Motion to approve Resolution 1220-R2022 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: None

Resolution 1223-R2022 regarding Authorizing the Creation of a Position in Administration

Resolution Title: A Resolution To Authorize The Creation Of A Position Within The Administration Department; To Authorize Certain County Officials To Take Actions Necessary To Effectuate The Purposes Of This Resolution; And To Provide For Other Matters Related Thereto.

Charlene McGriff moved to approve. Seconded by Brian Carnes.

Dennis Marstall explained that the International City-County Manager's Association (ICMA) coordinates the Local Government Management Fellowship program. He stated local governments have to communicate if they would be interested in participating in the program. He continued that each Fellowship would be for one to two years and typically finds employment within the hiring organization at the end of the Fellowship. He explained that he would like to incorporate this position within our Budget staff. Charlene McGriff stated this should be a permanent position rather than a temporary position like this would be. There was discussion that this would be a good training program, but that Council believed that funding it should be postponed until another year due to the number of projects already underway this year.

Motion to approve Resolution 1222-R2022 Failed 0-7. Ayes: None; Nays: Blackmon, Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller

Discussion and Action Items

Approval of Appointment to the Catawba Workforce Development Board

- Brian Fulk as the Lancaster County Economic Development appointee to the Catawba Workforce Development Board to fill an unexpired term that ends on 12/31/2022 and to serve a new three year term that begins on 1/1/2023 and ends on 12/31/2025.

Larry Honeycutt moved to approve the appointment to the Catawba Workforce Development Board. Seconded by Charlene McGriff. The motion to approve the appointment of Brian Fulk to the Catawba Workforce Development Board Passed 7-0.

Status of items tabled, recommitted, deferred or held

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

Miscellaneous Reports and Correspondence

Allen Blackmon stated that Lancaster County needed to do away with the minimum parking standards in the Unified Development Ordinance (UDO) and only have one (1) standard. He requested the Planning Commission review this standard.

Executive Session

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

1. One Legal Briefing regarding a Potential Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).

Brian Carnes moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. Chairman Steve Harper invited Councilmember-Elect Jose Luis into Executive Session. At approximately 8:38 p.m., Council went into Executive Session to discuss one (1) legal briefing regarding a potential pending or threatened litigation matter, 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 9:04 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Brian Carnes. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council received one (1) legal briefing regarding a potential pending or threatened litigation matter. He also noted that, during Executive Session, no votes were taken and no decisions were made.

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Terry Graham. Motion Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 9:05 p.m.

DRAFT