

Council Members

District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller
District 4: Jose Luis
District 5: Steve Harper
District 6: Allen Blackmon
District 7: Brian Carnes

**County Administrator**

Dennis E. Marstall

County Attorney

Ginny L. Merck-Dupont

Clerk to Council

Sherrie Simpson

January 9, 2023

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, Jose Luis, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Dennis Marstall, County Administrator; John Bodner, Assistant County Administrator; Ginny Merck-Dupont, County Attorney; John DuBose, Contracted County Attorney; Sherrie Simpson, Clerk to Council; Leah Clevenger, Information Technology (IT) Project Manager; Kayla Vaughn, Communications and Marketing Assistant; Natalie Bowers, Communications and Marketing Assistant; Rox Burhans, Development Services Director; Darren Player, Fire/Emergency Services Director; Clay Catoe, Emergency Management Services (EMS) Director; Chris Clouden, Parks and Recreation Director; Scott Hernandez, IT Director; Mandy Catoe, Coordinator of Keep Lancaster County Beautiful; various Department Heads; various elected officials; 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 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting. Steve Harper introduced the new Council Member for District 4, Jose Luis. County Administrator, Dennis Marstall, thanked contracted County Attorney, John DuBose, for his service to the County over the past four years and he introduced new in-house County Attorney, Ginny Merck-Dupont.

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

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

Special Presentations

Dennis Marstall recognized Cliff West with Parks and Recreation as the Employee of the Quarter for the 3rd Quarter.

Mandy Catoe, Coordinator for the Keep Lancaster County Beautiful Committee, recognized Council Member Billy Mosteller for attending every clean-up day that the Committee had sponsored thus far.

Citizens Comments

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

1. Emily Brown, Rock Hill, South Carolina, spoke regarding Ordinance 2022-1831/RZ-2022-1759;
2. Kevin Brown, Charlotte, North Carolina, spoke regarding Ordinance 2022-1831/RZ-2022-1759; and
3. Donna Vuckovich, Lancaster, South Carolina, spoke regarding soil erosion in the Walnut Creek neighborhood.

The following citizens submitted electronic, written comments for Citizens Comments: None.

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 was approved by a vote of 7-0.

a. Approval of Minutes from the December 12, 2022 County Council Regular Meeting

Non-Consent Agenda

Resolution 1225-R2023 regarding Updating the Continuity of County Government Plan

Resolution Title: A Resolution Updating The Continuity Of County Government Plan As Last Amended By Resolution 1134-R2021

Brian Carnes moved to approve Resolution 1225-R2023. Seconded by Charlene McGriff.

Dennis Marstall explained that the County had corrected the scrivener's error regarding the address for the Indian Land High School on Exhibit A.

Council and staff discussed the fact that the Director of Fire/Emergency Services is who would make a recommendation to the County Administrator regarding the need to declare a State of Emergency and that then the County Administrator would discuss that recommendation with Council; that the Continuity of Government Plan should not use acronyms and should delineate whether citations are from the County Code, State Administrative Code of Regulations, the State Code of Laws or a Governor's declaration; the Plan approval

methods; what rules and regulations the Director of Fire/Emergency Management could empower; the length of time an Emergency Declaration lasts; and that the wording in the County Continuity of Government Plan was compliant with the Emergency Management Plan that comes from the State of South Carolina.

Resolution 1225-R2023 Passed by a vote of 7-0.

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.*

Charlene McGriff moved to approve the 1st Reading of Ordinance 2022-1831. Seconded by Terry Graham.

Rox Burhans provided a history of the rezoning project via the County power point. He reviewed the revised concept plans that included a newly aligned driveway that was submitted by the developer. He explained that the developer had hired a traffic engineer to address Council's concerns about traffic. Council discussed their concerns regarding possible traffic issues and whether a Traffic Impact Analysis (TIA) was needed prior to approval of the project.

Traffic Engineer, Michael Wickline, explained that he had looked at the traffic count around the school during morning hours and not afternoon hours because, he said, that day cares do not normally affect peak hours in the afternoon. He further explained that the developer would have a TIA conducted in order to determine whether a turn lane was needed. He explained that the South Carolina Department of Transportation (SCDOT) would then have final determination over whether a turn lane was needed.

Council, staff, the Traffic Engineer, the developer, and the developer's Attorney, Emily Brown, discussed the need for a TIA prior to the 3rd Reading of the Ordinance, the TIA process, additional development on the site, the capacity of the daycare, a potential shared driveway for any future buildings on the site, the number of employees that the daycare would hire, by right uses in the Institutional Zoning District, and whether an amendment was needed for the Ordinance.

1st Reading of Ordinance 2022-1831 Passed by a vote of 5-2; Ayes: Carnes, Graham, Harper, McGriff, Blackmon; Nays: Luis, Mosteller

Public Hearing and 1st Reading of Ordinance 2023-1837 regarding Rezoning Property from Low Density Residential (LDR) to Professional Business (PB) in order to Build a Medical Office (Applicant Nathan Terry)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately .488 Acres (Portion Of TM# 0016-00-046.00) Located At The Northern Intersection Of Charles Pettus Road And Charlotte Highway, From Low Density Residential (LDR) District To Professional Business (PB) District. - *Planning Department Case Number: RZ-2022-2224.*

Rox Burhans reviewed the proposed rezoning via the County power point.

Steve Harper opened the Public Hearing for Ordinance 2023-1837 at approximately 7:18 p.m.

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

There were approximately 10 citizens in attendance during the Public Hearing for this Ordinance.

The following speakers came forward to make comments or sent in written comments regarding this Ordinance: None.

Steve Harper closed the Public Hearing at approximately 7:18 p.m.

Billy Mosteller moved to approve the 1st Reading of Ordinance 2023-1837. Seconded by Terry Graham. 1st Reading of Ordinance 2023-1837 Passed by a vote of 7-0.

Steve Harper noted that the 1st Reading of Ordinance 2023-1837 Passed unanimously and, therefore, the next two readings of the Ordinance could be moved to the Consent Agenda.

Discussion and Action Items

Approval of Appointment to the Health and Wellness Commission

- Catherine Abbott as the District 5 representative to the Health and Wellness Commission to fill an unexpired term that would end on 06/30/2025

Terry Graham moved to approve the appointment of Catherine Abbott. Seconded by Charlene McGriff. The motion to approve the appointment of Catherine Abbott to the Health and Wellness Commission Passed by a vote of 7-0.

Status of items tabled, recommitted, deferred or held

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

Miscellaneous Reports and Correspondence

There were no Miscellaneous Reports and Correspondence discussed during the Council meeting.

Executive Session

Four Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

- 1. One Legal Briefing regarding a Contractual Matter. SC Code 30-4-70(a)(2).*
- 2. One Legal Briefing regarding Development Regulations and Policies. SC Code 30-4-70(a)(2).*
- 3. One Legal Briefing regarding a Contractual Matter regarding the Sale of Property. SC Code 30-4-70(a)(2).*
- 4. One Legal Briefing regarding a Contractual Matter regarding the Sale of Property. SC Code 30-4-70(a)(2).*

Brian Carnes moved to go into Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0. At approximately 7:22 p.m., Council went into Executive Session to discuss one (1) legal briefing regarding one contractual matter, pursuant to South Carolina Code 30-4-70(a)(2); one (1) legal briefing regarding development regulations and policies, pursuant to South Carolina Code 30-4-70(a)(2); and two (2) legal briefings regarding two contractual matters that involved the potential sale of properties, pursuant to South Carolina Code 30-4-70(a)(2).

Allen Blackmon recused himself from the discussion on the last legal briefing regarding the contractual matter that involved the potential sale of property. His Statement of Recusal is attached as Schedule A to the written minutes in the Clerk to Council's office.

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:06 p.m. Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council discussed one (1) legal briefing regarding one contractual matter, one (1) legal briefing regarding development regulations and policies, and two (2) legal briefings regarding two contractual matters that involved the potential sale of properties. He also noted that, during Executive Session, no decisions were made and no votes were taken.

The motion to come out of Executive Session Passed 7-0.

Adjournment

Jose Luis moved to adjourn the Council meeting. Seconded by Billy Mosteller. The motion to adjourn Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 9:07 p.m.

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