

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

April 24, 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.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; John Bodner, Assistant County Administrator; Sherrie Simpson, Clerk to Council; Allison Hardin, Interim Planning Director; Sheriff Barry Faile; Lisa Robinson, Human Resources Director; Ryan Whitaker, Risk Management Director; Brenda Thompson, Communications & Marketing Director; Natalie Bowers, Communications & Social Media Specialist; Kayla Vaughn, Public Relations, Media Relations & Marketing Specialist; the press; 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 led by Noah Carnes, grandson of Brian Carnes, and Invocation led by Council Member Brian Carnes

Noah Carnes, grandson of Brian Carnes, led the Pledge of Allegiance to the American Flag and Councilmember Brian Carnes delivered the Invocation.

Approval of the Agenda

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

Citizens Comments

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

1. Melvin Threatt, Indian Land, SC, spoke regarding uncontrolled growth in Indian Land and requested a one year moratorium on residential and multi-family developments, but not commercial development.
2. Kevin Garon, Indian Land, SC, spoke regarding uncontrolled growth in Indian Land and that the land has been clear-cut with no trees left, along with roads that have been torn apart.
3. Clare McConaughay, Indian Land, SC, spoke in support of Sheriff Faile's 2023-2024 budget requests and submitted signatures of 139 citizens who also support Sheriff Faile's budget requests. Those signatures are attached as Schedule A to the written minutes in the Clerk to Council's office.

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

Special Presentations

Dennis Marstall stated the County was continuing to recognize County employees throughout the month of April for National County Government Month. He proceeded with the recognition of Lieutenant Aaron Carroll from the Lancaster County Sheriff's Office for being chosen by the Lancaster County Chamber of Commerce as a Top 12 under 40 and presented him with the Chamber award.

Dennis Marstall stated that County employees were being recognized for their outstanding job performance this month as well by being nominated for RISE awards. The following employees were nominated for RISE awards for the following categories: S for Service, which was presented to Patricia Rutlege in the Tax Assessor's Office. He continued that over the past several years, Patricia has volunteered one day a week during her lunch hour to provide assistance to the First Steps Program in Lancaster. Mr. Marstall then recognized E for Engagement, which was presented to Jen Rodriguez with the Sheriff's Office, for proactively seeking opportunities to use his Spanish speaking skills to connect our officers with our Hispanic community.

Dennis Marstall recognized the previous Employee of the Quarter winners and then he announced the Lancaster County 2022 Employee of the Year as Gillis Robinson with Lancaster County Fire Rescue. He stated that Gillis Robinson responded on the evening of August 13, 2022 to 40 Acre Rock Park for a child stuck in a cave. He stated Gillis and the rescue crews were able to establish a plan and Gillis entered the cave and was able to rescue the child.

Van Henson, CPM, Director of Risk Management Services, South Carolina Association of Counties, recognized that Lancaster County was awarded the 2022 Outstanding Safety Achievement Award; the 2022 Sustained Excellence in Risk Management Award and was second runner up in the South Carolina Workers' Compensation Trust Lag Time Award at the South Carolina Counties Workers' Compensation Trust Annual Membership Meeting. Mr. Henson presented the awards to Ryan Whitaker, Risk Management Director.

Dennis Marstall stated Lancaster County, in conjunction with the Lancaster County School District, sponsored an art contest for elementary age school students and an essay contest for elementary, middle and high school age students that was titled, "Lancaster County RISE." He stated we asked elementary school students what they liked best about living in Lancaster. He stated for the middle and high school students, we asked them to write essays, choosing one of the words from RISE (Resiliency, Inclusion, Solvency, Empowerment) and tell us how they have seen this represented in Lancaster County. The student who was the overall winner in each category came forward and read their essay and received their award.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.**, **7b.**, **7c.**, **7d.**, [which are the same as Item **a.**, **b.**, **c.**, and **d.** listed below]. Seconded by Charlene McGriff.

Motion to Approve Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

- a. Approval of Minutes from the March 29, 2023 Departmental Presentations and Budget Workshop Meeting
- b. Approval of Minutes from the April 5, 2023 Strategic Plan Special Meeting
- c. Approval of Minutes from the April 11, 2023 County Council Regular Meeting
- d. Approval of Minutes from the April 12, 2023 Departmental Presentations and Budget Workshop Meeting

Non-Consent Agenda

Resolution 1235-R2023 regarding Authorizing American Rescue Plan Act (ARPA) Funding for EMS Headquarters Bay Construction

Resolution Title: A Resolution Authorizing An Amendment To American Rescue Plan Act (ARPA) Funding For EMS Headquarters Bay Construction.

Brian Carnes moved to approve Resolution 1235-R2023. Seconded by Charlene McGriff.

Dennis Marstall stated that Council authorized \$400,000 in American Rescue Plan Act (ARPA) funds to construct a building with two ambulance bays to house a training and spare ambulance at EMS headquarters. He stated that Council also authorized the purchase of a mass transport bus for EMS with ARPA funding. He continued that based on the dimensions of the mass transport bus, the scope of this project was changed to also house the mass transit bus and to add a "lean to" to provide cover and protection for EMS trailers also. He stated the lowest bid was \$455,229. He stated that staff would evaluate what costs may be adjusted down from the bid to help get the cost closer to the original \$400,000, but that he would like to have authorization for the lowest bid amount of \$455,229 to keep the project moving forward.

Motion to approve Resolution 1235-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

2nd Reading of Ordinance 2023-1843 Regarding Amending the Unified Development Ordinance for Building Height Requirements (Applicant Lancaster County Water And Sewer District)

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.4, Building Heights, To Exempt Lancaster County Water & Sewer District (LCW&SD) Water Tank Towers From Height Regulations And Alter Setback Requirements For The Towers On The Effective Date Of This Ordinance - *Planning Case Number: UDO-TA-2023-0188.*

Charlene McGriff moved to approve 2nd Reading of Ordinance 2023-1843. Seconded by Billy Mosteller.

Allison Hardin reviewed the County power point presentation and stated nothing has changed since the first

reading of the ordinance. Council and staff discussed acceptable setbacks for the water tanks with Mr. Kirby from Lancaster County Water and Sewer District.

Allen Blackmon amended the motion that the setback would be whatever the zoning designation requires but at least a minimum of 25 feet. Seconded by Charlene McGriff. The amendment passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None

The motion to approve 2nd Reading of Ordinance 2023-1843 as amended Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Public Hearing and 2nd Reading of Ordinance 2023-1844 regarding Approval of an Easement for Duke Power

Ordinance Title: An Ordinance To Approve An Easement Grant To Duke Energy Carolinas, LLC Upon Real Property Owned By Lancaster County And Located At 1140 Elliott Street Bearing Tax Parcel Number 0082D-0K-020.00 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.

Dennis Marstall stated there have been no changes since the last meeting.

Steve Harper opened the Public Hearing for Ordinance 2023-1844 at approximately 6:56 p.m.

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

There were approximately 11 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 6:56 p.m.

Sherrie Simpson explained that the Affidavit of Public Hearing was not attached to the agenda packet so she provided a handout to each Councilmember. That handout is attached as Schedule B, which is attached to the written minutes in the Clerk to Council's office.

Jose Luis moved to approve 2nd Reading of Ordinance 2023-1844. Seconded by Charlene McGriff. Allen Blackmon stated he was opposed because the easement needed to be more specific.

The 2nd Reading of Ordinance 2023-1844 Passed 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: Blackmon.

Discussion and Action Items

Steve Harper stated that Council would approve these appointments individually.

Charlene McGriff moved to approve Marshall Walker, Jr. to the Airport Advisory Board. Seconded by Allen Blackmon. Motion to approve Passed 7-0. Mr. Walker will fill an unexpired term that would end on 6/30/2025.

Terry Graham moved to approve Joie Bier to the Airport Advisory Board. Seconded by Brian Carnes. Motion to approve Passed 7-0. Ms. Bier will fill an unexpired term that would end on 6/30/2023 and fill a four year term that would expire on 6/30/2027.

Brian Carnes moved to approve William R. Crothers to the Airport Advisory Board. Seconded by Jose Luis. There was discussion on this appointment. Billy Mosteller and Charlene McGriff stated they have received numerous calls from pilots and other board members opposing this member being appointed and they were not comfortable with supporting the appointment. Brian Carnes stated he had met with Mr. Crothers and he has a vision for the Airport that probably stretches people. He stated Mr. Crothers had been very professional and has expressed some great ideas that would help make a great Airport. Allen Blackmon stated that our Advisory Boards were not utilized to their full potential. He also requested a copy of the lease contract for Mr. Crothers

hangar. Brian Carnes called for a vote.

Charlene McGriff moved to postpone this appointment to the May 8th meeting to allow time to review contract to make sure there was no conflict of interest. Seconded by Billy Mosteller. The Motion Failed 2-5. Ayes: McGriff, Mosteller; Nays: Blackmon, Carnes, Graham, Harper, Luis.

The motion to approve William Crothers' appointment Passed 5-2. Mr. Crothers will fill an unexpired term that would end on 6/30/2025. Ayes: Blackmon, Carnes, Graham, Harper, Luis; Nays: McGriff, Mosteller.

Terry Graham moved to approve Revery Johnson to the Library Board. Seconded by Charlene McGriff. Motion to approve Passed 7-0. Mr. Johnson will fill an unexpired term that would end on 6/30/2023 and fill a four year term that would expire on 6/30/2027.

Status of items tabled, recommitted, deferred or held

- a. POSTPONED UNTIL THE 5/22/2023 COUNCIL MEETING PER APPLICANT'S REQUEST- Public Hearing and 3rd Reading of Ordinance 2023-1842 regarding Authorization of a Special Source Revenue Credit Agreement with Project Spider
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Special Source Revenue Credit Agreement By And Between Lancaster County And [An Entity Previously Identified By The County As Project Spider], Including Any Related Or Affiliated Entities, Providing For Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. - *Passed 6-0 at the March 27, 2023 County Council Meeting (Charlene McGriff Absent). Passed 7-0 at the April 11, 2023 County Council Meeting. - Brian Fulk*
- b. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 2nd 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. The Planning Commission recommended approval by unanimous vote and the Planning staff also recommended approval of the rezoning request. Public Hearing held at the November 14, 2022 County Council Meeting but 1st Reading deferred until the January 9, 2023 County Council Meeting. Passed 5-2 at the January 9, 2023 County Council Meeting (Opposed Jose Luis and Billy Mosteller). 2nd Reading Postponed until the June 12, 2023 County Council Meeting by a vote of 6-1 (Opposed Jose Luis). - Allison Hardin*
- c. POSTPONED UNTIL THE 6/12/2023 COUNCIL MEETING - 1st Reading of Ordinance 2023-1846 regarding Establishing a Policy and Procedure for Naming Rights
Ordinance Title: An Ordinance Establishing A Policy And Procedure For Naming County-Owned Properties Or Structures. - *Postponed to June 12, 2023 at the April 11, 2023 County Council Meeting. - Chris Clouden*

There were no discussions regarding the status of items tabled, recommitted, deferred or held.

Miscellaneous Reports and Correspondence

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

Executive Session

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition.
2. Receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation.

Charlene McGriff moved to go into Executive Session. Seconded by Brian Carnes. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None. At approximately 7:09 p.m., Council went into Executive Session to discuss the two (2) items listed above.

Terry Graham recused himself from one Executive Session item for legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition. Terry Graham's Statement of Recusal form is attached as Schedule C 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 8:00 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Jose Luis. Motion Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Items Requiring a Vote Following Executive Session

Upon returning to open session, Ginny Merck-Dupont noted, for the record, that during Executive Session, Council discussed two (2) items: receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter for land acquisition; receipt of legal advice subject to the attorney-client privilege regarding pending or threatened litigation. She stated no decisions were made in Executive Session and no votes were taken.

Adjournment

Jose Luis moved to adjourn. Seconded by Brian Carnes. Motion Passed 7-0.

There being no further business, the regular meeting of County Council adjourned at approximately 8:01 p.m.