

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

May 8, 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; Kim Belk, Budget Director; Graham Shuford, Budget Analyst; Veronica Thompson, Financial Services Director; Jeff Catoe, Public Services Director; Sheriff Barry Faile; Darren Player, Fire Rescue/Emergency Management Director; Robert Purser, Public Safety Communications Director; Lamar Lambert, Radio Service Officer; 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 County Council Meeting 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 Terry Graham

Terry Graham 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 7-0.

Citizens Comments

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

1. Roxanne, Indian Land, SC, spoke regarding the 5G towers and how invasive they are to the community. She stated that they look like military weapons. She also explained that there is too much growth.

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

Special Presentations

Dennis Marstall recognized Lamar Lambert for winning the Veterans of Foreign Wars (VFW) Public Servant Award. He also recognized that Lamar is responsible for maintaining all of the radios, radio towers and the radio network. He presented Mr. Lambert with the VFW award.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.** and **7b.** [which are the same as Item **a.** and **b.** listed below]. Seconded by Charlene McGriff. Allen Blackmon proposed an amendment to the minutes from April 19, 2023, to add a statement that says that at the conclusion of the discussion of the investment policy it was brought forth that the next step is for staff to write and bring an investment policy to the Council. Seconded by Jose Luis. Motion to Amend Passed 7-0.

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

- a. Approval of Minutes from the April 19, 2023 Budget Workshop Meeting
- b. Approval of Minutes from the April 24, 2023 County Council Regular Meeting

Non-Consent Agenda

Resolution 1239-R2023 regarding Approval of Grant Match Funds for the Rural Infrastructure Authority (RIA) Grant Award

Resolution Title: A Resolution To Direct County Staff To Take Appropriate Action To Move Forward With The Road Drainage Improvements Grant Match Award, To Execute Such Other Documents As May Be Necessary And Convenient, And To Take Any Other Action As May Be Needed To Carry Into Effect This Resolution.

Brian Carnes moved to approve Resolution 1239-R2023. Seconded by Charlene McGriff.

Dennis Marstall stated Stormwater, Emergency Management, and Public Works staff worked together and were awarded a \$8.2 million grant for eighteen county road culvert projects. He stated if the County accepted the grant, then there would be a twenty-five percent match and that the funds would have to be spent by December 2026. He noted that there are four projects above Highway 5. He stated some funding could possibly come from the County Transportation Committee (CTC) and that the rest would be funded from the General Fund. Mr. Marstall stated that the County has forty-five days to accept the grant. Council and staff discussed the grant application process and road prioritization. Council and staff clarified that the approval of the resolution does not mean that the funding stream for the grant match has been identified.

Motion to approve Resolution 1239-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Public Hearing and Resolution 1236-R2023 regarding Approval of a Conditional Use Permit to Allow Development of an Oil Change Facility

Resolution Title: A Resolution To Approve The Favorable Recommendation Of Both The Lancaster County Planning Staff And The Lancaster County Planning Commission Of A Conditional Use Application To Permit A Minor Maintenance And Repair (Auto) To Be Located Upon Tax Map# 0013-00- 018.00), At The Intersection Of Doby's Bridge Road And Charlotte Hwy / US 521 For The Purpose Of Developing An Oil-Change Business. -

Planning Case Number: CU-2022-2541.

Allison Hardin reviewed the County power point presentation regarding a conditional use permit to allow development of an oil change facility at Doby's Bridge Road and Charlotte Highway. She noted that this project was adjacent to the recently approved car wash.

Steve Harper opened the Public Hearing for Resolution 1236-R2023 at approximately 6:32 p.m.

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

There were approximately 16 citizens in attendance during the Public Hearing for this Resolution.

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

Steve Harper closed the Public Hearing at approximately 6:32 p.m.

Billy Mosteller moved to approve. Seconded by Allen Blackmon. Jose Luis clarified that the project could not move forward without access easement and Allison Hardin confirmed.

The motion to approve Resolution 1236-R2023 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None

3rd 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 3rd Reading of Ordinance 2023-1843. Seconded by Terry Graham.

Allison Hardin explained that the updated Ordinance included the amendment from Council made at the previous meeting.

The motion to approve 3rd Reading of Ordinance 2023-1843 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

3rd 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.

Charlene McGriff moved to approve 3rd Reading of Ordinance 2023-1844. Seconded by Billy Mosteller.

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

The 3rd Reading of Ordinance 2023-1844 Passed 6-1. Ayes: Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: Blackmon

Public Hearing and 1st Reading of Ordinance 2023-1847 regarding Rezoning Property Located at 3867 Pageland Highway from RR to RUB to Remedy Non-Conformity and to Allow Minor Subdivision of Property (Applicant Richard F. Duncan)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 1.206 Acres (Portion Of TM 0059-00-058.00) Located At 3867 Pageland Hwy, From Rural Residential (RR) District To Rural Business (RUB) District. - *Planning Case Number: RZ-2023-0215.*

Billy Mosteller moved to approve 1st Reading of Ordinance 2023-1847. Seconded by Charlene McGriff.

Allison Hardin reviewed the County power point presentation regarding rezoning property from Rural Residential district to Rural Business District to correct non-conformity and allow minor subdivision of property located at 3867 Pageland Highway. Billy Mosteller stated this business is located in his district and he has no objections to supporting this business that has been in operation for many years.

Steve Harper opened the Public Hearing for Ordinance 2023-1847 at approximately 6:40 p.m.

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

There were approximately 14 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 6:40 p.m.

The motion to approve 1st Reading of Ordinance 2023-1847 Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

Discussion and Action Items

Approval of Appointments to Various Boards or Commissions

- Ann Christie as the District 6 Representative on the Historical Commission to fill a four year term that would expire on 06/30/2027 (1st Term)
- Tim Hammond as the District 2 Representative on the Historical Commission to fill a four year term that would expire on 06/30/2027 (1st Term)
- Ronald S. Patton as an Advisor on the Historical Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year term that would end on 06/30/2027
- Demetra Cornwell as the District 4 Representative on the Historical Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year term that would end on 06/30/2027 (1st Term)
- Dr. Deborah B. Cureton as an At Large Representative on the Library Board to fill a four year term that would expire on 06/30/2027 (2nd Term)
- T. Yokima Cureton as the District 2 Representative on the Planning Commission to fill an unexpired term that would end on 06/30/2023 AND to fill a four year term that would expire on 06/30/2027 (1st Term)

Charlene McGriff moved to approve the appointments as listed. Seconded by Jose Luis. The motion to approve the appointments Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None.

American Rescue Plan Act (ARPA) Recommended Projects - Dennis Marstall

Dennis Marstall reviewed the County power point presentation of proposed projects that have been previously approved for funding through the American Rescue Plan Act (ARPA) funding. He explained that the County has \$4.9 remaining and needs to have the funding obligated by December 2026.

Brian Carnes stated that the County needed to make sure the ARPA projects already approved were completely funded before adding any other projects to the list.

Charlene McGriff agreed that currently approved projects should be finished first, but noted that she would like to move forward with the funding of \$100,000 to non-profit organizations and to put a limit on requests from non-profits.

Allen Blackmon made the motion to move forward with the ARPA funding of the two replacement fire trucks, the camera upgrade for the Sheriff's Office, the personal protective equipment and the storage warehouse for Fire Rescue/Emergency Management. Seconded by Billy Mosteller. Charlene McGriff amended the motion to add the funding of \$100,000 for non-profits. Seconded by Allen Blackmon. Motion to amend passed 6-1. Ayes: Blackmon, Carnes, Graham, Harper, McGriff, Mosteller; Nays: Luis. The Motion to approve the ARPA projects as Amended Passed 7-0. Ayes: Blackmon, Carnes, Graham, Harper, Luis, McGriff, Mosteller; Nays: None

Discussion of Freedom of Information Act (FOIA) Request Processing and Fees - Dennis Marstall/Ginny Merck-Dupont

Dennis Marstall stated, in the past, Lancaster County received Freedom Of Information Act (FOIA) requests that were generally addressed by the Clerk to Council and outside legal counsel, or their paralegal. He explained that now that the County has an inhouse attorney, that expense has been eliminated. He stated that the County needed to look at a fee structure that would help recoup the cost of responding to FOIA requests.

Ginny Merck-Dupont reviewed the County power point presentation regarding FOIA Request processing fees. Council stated they supported the FOIA fees as long as they aligned with the intent from the General Assembly and State law.

Budget Recommendations - Dennis Marstall

Dennis Marstall reviewed the power point presentation regarding the budget recommendations. Council and staff discussed the following: (1) new proposed positions; (2) the alternate budget proposal; (3) only funding for public safety and adding a passport clerk; (4) adding one deputy to the new position list; (5) the proposed six percent cost of living raise for every employee; and (6) the need for more money to make public safety salaries more competitive. Council asked Sheriff Faile and Darren Player if they would rather have additional manpower or pay increases and both stated that if they had to choose, they would choose pay increases. Council and staff also discussed what the mil increase amount would be per house, return on investment (ROI) for departments, whether the County needed targeted increases, impacts on revenue generating departments, the core function of government being public safety, the prioritization of public safety, the Auditor's staff, and across the board salary increases versus targeted salary increases.

Dennis Marstall noted that the first reading of the budget would be held at the May 22, 2023, Council meeting.

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

There was no Executive Session held during the Council meeting.

Items Requiring a Vote Following Executive Session

There were no Items Requiring a Vote due to no Executive Session held during the Council meeting.

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 7:44 p.m.