

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

June 10, 2024

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, Steve Harper, Billy Mosteller, Terry Graham, and Jose Luis.

Council Members Absent: Charlene McGriff.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Lauren Hill, Deputy Clerk to Council/Administrative Assistant; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Brenda Thompson, Communications and Marketing Director; Gary Baker, Communications Manager; Sheriff Faile; Clay Catoe, Emergency Medical Services Director; Darren Player, Fire Service/Emergency Management Director; Chief Greg Nicholson, Indian Land Consolidated Fire; Robert Purser, Public Safety Communications Director; Amy Carnes, Economic Development Coordinator; Scott Hernandez, Information Technology Director; Jeff Catoe, Public Services Director; Chris Clouden, Parks and Recreation Director; Dr. April Williams, Library Director; Robin Ghent, Veterans Affairs Director; 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 within 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. Mr. Harper recognized Mr. Rudy Carter, Chairman of the Lancaster County Transportation Committee (CTC) and former County Council Chairman.

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 Terry Graham. The motion Passed by a vote of 6-0; Absent: McGriff.

Citizens Comments

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

1. John Delfausse, Indian Land, SC spoke regarding the proposal for Ordinance 2024-1906 and the widening of Highway 521.

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

Special Presentations

Lancaster County received six Achievement Awards from the National Association of Counties (NACo). Dennis Marstall presented the awards to the departments and staff members who took part in each program.

1. Veteran's Court with the Solicitor's Office
2. "Day in the Life" of a Sheriff's Office employee video
3. Lancaster County Library Seed Program
4. Implementing GIS To Meet the Needs of a Growing Community
5. Civics 101 community engagement program
6. Student Mock County Council Meeting: Fostering Youth Civic Engagement

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 Terry Graham. The motion to approve the Consent Agenda Passed by a vote of 6-0; Absent: McGriff.

- a. **Approval of Minutes from the May 15, 2024, County Council Committee of the Whole Meeting**
- b. **Approval of Minutes from the May 28, 2024, County Council Regular Meeting**

Non-Consent Agenda

Resolution 1262-R2024 regarding Approval of the PEBA Request regarding Employee Definition

Resolution Title: A Resolution To Approve County Councilmember Coverage As A Part Of Lancaster County's Participation In The State Insurance Benefits Program

Brian Carnes moved to approve Resolution 1262-R2024. Seconded by Billy Mosteller.

Dennis Marstall stated that the proposed Resolution was to ensure that Council would remain eligible for health insurance coverage through the County under the PEBA system, if they wished to enroll.

There was no discussion from Council. Resolution 1262-R2024 Passed by a vote of 6-0; Absent: McGriff.

Public Hearing and 3rd Reading of Ordinance 2024-1896 regarding Amending the Unified Development Ordinance (UDO) related to the Removal of "Amusement, Indoor" and "Amusement, Outdoor" From the Use List for Light Industrial (LI) Districts

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Chapter 2, Section 5 Use Table, To Remove The Uses "Amusement, Indoor" And "Amusement, Outdoor" From The Permitted Use List For Light Industrial (LI) Districts, And To Invoke The Pending Ordinance Doctrine So That No Permit Shall Be Issued That Would Be In Conflict With The Proposed Zoning Changes As Set Forth Herein

Allen Blackmon moved to approve the 3rd Reading of Ordinance 2024-1896. Seconded by Terry Graham.

Allison Hardin reviewed the County's PowerPoint presentation and noted that there had not been any changes made to the Ordinance since the 2nd Reading.

Steve Harper opened the Public Hearing for Ordinance 2024-1896 at approximately 6:22 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 35 citizens, including staff members, 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 6:22 p.m.

There was no discussion from Council. The 3rd Reading of Ordinance 2024-1896 Passed by a vote of 6-0; Absent: McGriff.

Public Hearing and 3rd Reading of Ordinance 2024-1907 regarding an Amendment to the Fiscal Year 2024 Budget Relating to the Purchase of a Bulldozer

Ordinance Title: An Ordinance To Amend Ordinance No. 2023-1849, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2023, And Ending June 30, 2024 (FY 2023-2024), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2024-1907. Seconded by Jose Luis.

Sabrena Harris noted that there had not been any changes made to the Ordinance since the 2nd Reading.

Steve Harper opened the Public Hearing for Ordinance 2024-1907 at approximately 6:23 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 35 citizens, including staff members, 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 6:23 p.m.

There was no discussion from Council. The 3rd Reading of Ordinance 2024-1907 Passed by a vote of 6-0; Absent: McGriff.

3rd Reading of Ordinance 2024-1905 regarding Rezoning Property Located at 1540 Old Pardue Road from Low Density Residential (LDR) District to Rural Residential (RR) District (Applicant Peter Sites)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 46.883 Acres (TM# 0050-00-038.02), Which Is Located At 1540 Old Pardue Rd, From Low Density Residential (LDR) District To Rural Residential (RR) District

At approximately 6:24 p.m., Terry Graham recused himself from the 3rd Reading of Ordinance 2024-1905 and stepped out of Council Chambers. A physical copy of Mr. Graham's Statement of Recusal is attached as Schedule A to the written minutes in the Clerk to Council's office.

Jose Luis moved to approve the 3rd Reading of Ordinance 2024-1905. Seconded by Billy Mosteller.

Allison Hardin reviewed the County's PowerPoint presentation and noted that no changes had been made to the Ordinance since the 2nd Reading.

There was no discussion from Council. The 3rd Reading of Ordinance 2024-1905 Passed by a vote of 5-0; Abstained: Graham; Absent: McGriff.

At approximately 6:28 p.m., Terry Graham reentered Council Chambers, and rejoined Council at the dais.

2nd Reading of Ordinance 2024-1908 Authorization of a Second Amendment to Fee Agreement for Project Tree and Project Tree Sponsor Affiliate

Ordinance Title: To Authorize And Approve The Execution And Delivery Of A Second Amendment To Fee Agreement By And Among Lancaster County, South Carolina, Project Tree And Project Tree Sponsor Affiliate; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2024-1908. Seconded by Allen Blackmon.

Amy Carnes clarified that the error pointed out by Councilman Blackmon at the 1st Reading of Ordinance 2024-1908 on May 28, 2024, was a scrivener's error. Ms. Carnes also reviewed the Special Source Revenue Credit (SSRC) details and the company's investment requirements.

There was no discussion from Council. The 2nd Reading of Ordinance 2024-1908 Passed by a vote of 6-0; Absent: McGriff.

Public Hearing and 1st Reading of Ordinance 2024-1913 regarding Rezoning Approximately 2.56 Acres of Property from Urban Residential (UR) District to Medium Density Residential (MDR) District (Applicant Carlos Sanchez)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 2.56 Acres (TM# 0006-00-072.04), Which Is Located At The Intersection Of Country Acres Dr And Reid Pointe Ave, From Urban Residential (UR) District To Medium Density Residential (MDR) District

Jose Luis moved to approve the 1st Reading of Ordinance 2024-1913. Seconded by Allen Blackmon.

Allison Hardin reviewed rezoning request via the County's PowerPoint presentation and noted that the request equvalated to a reduction in potential density, from 6 units per acre for Urban Residential (UR) to 2.5 units per acre for Medium Density Residential (MDR). Ms. Hardin noted that the intent behind the rezoning was to subdivide the property and build four houses on it. Council and Staff discussed UR zoning districts. Mariella Sanchez spoke on behalf of the applicant and explained that the applicant planned to remove the existing mobile homes on the property and develop the referenced property, as well as the adjacent property in the future.

Steve Harper opened the Public Hearing for Ordinance 2024-1913 at approximately 6:41 p.m. He noted that no one signed up to speak at the Public Hearing for this Ordinance. There were approximately 35 citizens, including staff members, 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 6:41 p.m.

Terry Graham voiced his concerns with the increased density on the property and cluster developments. Allison Hardin stated that the adjacent property that the applicant expressed an interest in developing was approximately 9.78 acres, so the combined properties would not have enough acreage for a cluster development. Ms. Hardin

reiterated that the applicant's intent was to remove the existing mobile homes and redevelop the property to have single family homes.

The 1st Reading of Ordinance 2024-1913 Passed by a vote of 6-0; Absent: McGriff.

Steve Harper requested that Ordinance 2024-1913 be kept on the Non-Consent Agenda, in case Council had additional questions at the future readings.

Public Hearing and 1st Reading of Ordinance 2024-1914 regarding Rezoning Approximately 5.80 Acres of Property Located at 1743 Lynwood Drive from Medium Density Residential (MDR) District to General Business (GB) District (Applicant Courtney Lomax)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 5.819 Acres (TM# 0087G-0C-004.00), Which Is Located At 1743 Lynwood Dr, From Medium Density Residential (MDR) District To General Business (GB) District For The Purpose Of Opening A Day Care Center.

Brian Carnes moved to approve the 1st Reading of Ordinance 2024-1914. Seconded by Billy Mosteller.

Allison Hardin reviewed the rezoning request via the County's PowerPoint presentation. Ms. Hardin noted that the intent behind the rezoning was to allow the property to be renovated as a daycare facility. Ms. Hardin highlighted that the 2040 Comprehensive Plan Land Use Designation showed the area as a growth area.

Steve Harper opened the Public Hearing for Ordinance 2024-1914 at approximately 6:47 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 35 citizens, including staff members, 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 6:47 p.m.

There was no discussion from Council. The 1st Reading of Ordinance 2024-1914 Passed by a vote of 6-0; Absent: McGriff.

Steve Harper requested that Ordinance 2024-1914 be kept on the Non-Consent Agenda, in case Council had additional questions at the future readings.

2nd Reading of Ordinance 2024-1910 regarding Approval of the Fiscal Year 2024-2025 Budget

Ordinance Title: An Ordinance To Appropriate Funds And Approve A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2024 And Ending June 30, 2025 (FY 2024-25); To Set Millage Rates For The Levy Of Ad Valorem Taxes; To Approve A Schedule Of Taxes, Fees And Charges For FY 2024-25; And To Provide For Matters Related Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2024-1910. Seconded by Billy Mosteller.

Jamie Privuznak reviewed the Revenue Assumptions and Operating Budget via the County's PowerPoint presentation. Council and Staff discussed the funds that were not expended in FY24. Allen Blackmon stated that the FY25 budget should be more conservative since there was a \$2.3 million surplus from FY24. Council and Staff discussed Ad Valorem revenue assumptions, and the revenue that was generated in the previous fiscal years.

Ms. Privuznak provided an update on a millage increase and proposed a 2.4 millage increase for the Operating Budget, which was 1.8 mils less than the millage increase proposal discussed at the 1st Reading of the budget. Steve Harper and Billy Mosteller voiced their concern with the adjusted interest income, and wished to see the additional interest income used to offset the millage increases. Jose Luis voiced concerns with the Planning Department and Building Department budget increase for staffing, when the number of building permits issued had decreased over the last two years.

Ms. Privuznak reviewed the changes for the Replacement Fund - Capital Improvement Fund and stated that after conversations with the Fleet Operations Director, there were one-time expenditures identified that needed to be removed from the budget request, and the fleet vehicle replacement line item decreased to \$495,300. Doing so, there would only be a 1.1 mil increase for the Replacement Fund, going from 5.3 mils to 6.4 mils, which was a 0.9 mil decrease from the 1st Reading of the FY25 budget. Steve Harper questioned if there was any interest in removing at least 1 mil from the Replacement Fund and adding it to the interest income.

Jose Luis made a motion to reduce the Planning and Zoning Department's budget actuals by \$350,000 and to reduce the Building Department's Budget actuals by \$150,000. Allison Hardin addressed staffing issues that the departments had faced and explained that the lack of staffing had affected plan review timelines, Code Enforcement violations, and the rewrite of the Unified Development Ordinance (UDO). There was no second. The motion died on the floor due to the lack of a second.

Jamie Privuznak reviewed the Indian Land Funding Plan via the County's PowerPoint presentation. Ms. Privuznak highlighted the increased roof top fee, from \$150 to \$240, and the ERU change from 1000 square feet to 750 square feet.

Billy Mosteller made a motion to add 1 mil to the interest income to increase revenue and offset the Replacement Fund for the one-time expenditures for the gym wall padding and flooring, roll-off refuse truck, and the small dump truck. Council and Staff discussed the Replacement Fund millage and Act 388. Allen Blackmon requested that the millage rate for the Replacement Fund remain as is so that the budget would remain somewhat consistent in the coming years. There was no second. The motion died on the floor due to the lack of a second.

Steve Harper made a motion to increase the revenue projection for interest income by \$518,035 (1 mil), totaling \$2,553,530, and to reduce the Operating Budget by 1 mil, totaling 90.20 mils, which was a 1.6 mil increase from FY24. Seconded by Terry Graham. The amendment Passed by a vote of 6-0; Absent: McGriff.

Allen Blackmon made a motion to add 2 mils to the current revenue projection for Ad Valorem, which would increase the revenue assumption from \$33,037,698 to \$36,073,698 and decrease the Operating Budget from 91.20 mils to 88.20 mils. Seconded by Jose Luis. The amendment Passed by a vote of 6-0; Absent: McGriff.

Allen Blackmon made a motion to decrease the Capital Improvement millage from 7.3 to 6.4. Seconded by Terry Graham. There was no discussion from Council. The amendment Passed by a vote of 6-0; Absent: McGriff.

Steve Harper clarified that the proposed millage rate for the County Operating Budget was 88.20 mils, the County Debt was 6.00 mils, the County Capital Improvement was 6.40 mils, and the County Court Security was 3.90 mils. The total recommended millage for FY25 was 104.50, which was an overall 0.4 mil reduction from FY24.

The 2nd Reading of Ordinance 2024-1910 Passed as Amended by a vote of 6-0; Absent: McGriff.

2nd Reading of Ordinance 2024-1909 regarding Approval of the Amendment to the Capital Improvement Plan (CIP)

Ordinance Title: An Ordinance To Adopt The Revised Lancaster County Capital Improvement Plan Fiscal Year 2021-2022 Through 2030-2031 As Recommended By The Lancaster County Planning Commission.

Terry Graham moved to approve the 2nd Reading of Ordinance 2024-1909. Seconded by Brian Carnes.

Dennis Marstall stated that 34 new Capital Improvement Plan (CIP) projects were proposed, and Council's action for the 2nd Reading of Ordinance 2024-1909 was to acknowledge the amended project list, and then a General Obligation Bond package would be created, and project prioritization would take place at a later date if approved by Council.

There was no discussion from Council. The 2nd Reading of Ordinance 2024-1909 Passed by a vote of 6-0; Absent: McGriff.

Steve Harper requested that Ordinance 2024-1909 be kept on the Non-Consent Agenda, in case Council had additional questions at the future readings.

1st Reading of Ordinance 2024-1906 regarding a Proposed Transportation Sales Tax

Ordinance Title: An Ordinance To Levy And Impose A One Percent Sales And Use Tax, Subject To A Referendum, Within Lancaster County Pursuant To Section 4-37-30 Of The Code Of Laws Of South Carolina 1976, As Amended; To Define The Specific Purposes And Designate The Projects For Which The Proceeds Of The Tax May Be Used; To Provide The Maximum Time For Which Such Tax May Be Imposed; To Provide The Estimated Cost Of The Projects Funded From The Proceeds Of The Tax; To Provide For A County-Wide Referendum On The Imposition Of The Sales And Use Tax And The Issuance Of General Obligation Bonds And To Prescribe The Contents Of The Ballot Questions In The Referendum; To Provide For The Conduct Of The Referendum By The Board Of Elections And Voter Registration Of Lancaster County; To Provide For The Administration Of The Tax, If Approved; To Provide For The Payment Of The Tax, If Approved; And To Provide For Other Matters Relating Thereto.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2024-1906. Seconded by Brian Carnes.

Dennis Marstall stated that there were two concerns that initiated the postponement of the previous 1st Reading of Ordinance 2024-1906, related to timing factors for when the referendum vote could be held in relation to a General Election, and Council's need for clarification on the priority of widening Highway 521. Mr. Marstall noted that if the Transportation Sales Tax was not included on the 2024 General Election ballot, the County would need to budget for the cost of a countywide election for 2025, which was roughly \$60,000.

Due to technical difficulties, the first several minutes of the presentation was not audible on the livestream of the meeting.

Jeff Catoe reviewed the Transportation Sales Tax proposal and recommendations via the County's PowerPoint presentation. Council and Staff discussed the widening of Highway 521, and it was noted that the proposed Ordinance stated that the widening of Highway 521 was the County's highest priority and provisions must be made for securing the funds needed to make the County's contribution to the project. Terry Graham voiced concerns regarding the lack of finalized plans for the widening of Highway 521. Jose Luis requested that the funds be allocated pursuant to the amounts that were recommended by the County Transportation Committee (CTC). Ginny Merck-Dupont explained that the Transportation Sales Tax Ordinance allowed for more flexibility than the Capital Penny Sales Tax, and the Transportation Sales Tax ballot question would only need to include the maximum dollar amount of taxes to be collected or the maximum number of years that the tax would be levied. Several Council members were concerned that the Transportation Sales Tax proposal was rushed, and it needed additional planning before it was put on the ballot. Rudy Carter, Chair of the County Transportation Committee (CTC), stated that a dedicated funding source was needed to repair the roads in Lancaster County. Mr. Carter believed that the Transportation Sales Tax proposal should be included on the General Election ballot so that the decision would be left up to the voters of Lancaster County.

Allen Blackmon expressed an interest in moving forward to the 2nd Reading as long as Council's concerns regarding Highway 521 were addressed. Terry Graham was concerned that the widening of Highway 521 would not relieve traffic issues in the Indian Land area of the County if Council continued to approve new developments. Brian Carnes stated that construction costs were continuously rising and the longer the Transportation Sales Tax was put on hold, the further behind the County would be. Council requested that their concerns regarding project priorities be addressed, and the funds allocated for each project was transparent.

The 1st Reading of Ordinance 2024-1906 Passed by a vote of 4-2; Ayes: Blackmon, Carnes, Harper, Graham; Nays: Mosteller, Luis; Absent: McGriff.

Discussion and Action Items

Status of items tabled, recommitted, deferred or held

- a. HOLD - 1st Reading of Ordinance 2024-1898 regarding Amending the Lancaster County Code Relating to Parliamentary Procedures / Rules of Procedure for Meetings
Ordinance Title: An Ordinance To Amend The Lancaster County Code, Relating To Parliamentary Procedures/Rules Of Procedure For Council Meetings, Including Committee Meetings, And All Boards And Commissions For Which County Council Appoints A Majority Of Members. - *By a Vote of 6-0, 1st Reading Postponed (Allen Blackmon Absent). - Dennis Marstall / Ginny Merck-Dupont*

There was no discussion regarding the status of any tabled, recommitted, deferred or held items.

Executive Session

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters bay.

Steve Harper stated that he needed a motion to go into Executive Session for the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property and the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the EMS Headquarters Bay and to invite the Deputy County Administrator into Executive Session to discuss both matters. Brian Carnes stated that he so moved. Seconded by Terry Graham. The motion to go into Executive Session Passed by a vote of 6-0; Absent: McGriff. At approximately 8:50 p.m., Council went into Executive Session.

Items Requiring a Vote Following Executive Session

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:17 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Brian Carnes. The motion to come out of Executive Session Passed by a vote of 6-0; Absent: McGriff.

Upon returning to open session, Ginny Merck-Dupont stated that Council met in Executive Session in regard to two items: the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property and for the receipt of legal advice subject to the attorney-client privilege regarding a contractual matter relating to the EMS Headquarters Bay. She stated that during Executive Session, no motions were made, and no votes were taken.

Adjournment

Terry Graham moved to adjourn the Council meeting. Seconded by Billy Mosteller. The motion to adjourn Passed by a vote of 6-0; Absent: McGriff.

There being no further business to discuss, the regular meeting of Council adjourned at approximately 9:18 p.m.