

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

February 12, 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, Charlene McGriff, Terry Graham, and Jose Luis.

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; Brian Fulk, Economic Development Director; Amy Carnes, Economic Development Coordinator; Brenda Thompson, Communications and Marketing Director; John Douglas, Town of Kershaw Administrator; 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 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 and Invocation - Council Member Charlene McGriff

Charlene McGriff 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. The motion Passed by a vote of 7-0.

Citizens Comments

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

1. Jim Balik, Lancaster, SC, spoke in opposition of Ordinance 2024-1893 due to the hazardous chemicals and air particles produced by asphalt plants.
2. Danielle Calabro, Lancaster, SC, introduced herself as the Health and Wellness Commission's Department of Social Services appointee, and thanked Council for her appointment.
3. Tripp McCoy, Lancaster, SC, requested that an early voting polling center be located in the Panhandle region of Lancaster County.
4. Bruce Cohen, Indian Land, SC, spoke regarding Lancaster County's 2040 Comprehensive Plan, the usage of Highway 521, the lack of emergency responders in the Panhandle region of Lancaster County, and terrain issues in the Walnut Creek subdivision.
5. Kevin Garon, Indian Land, SC, spoke regarding the growth in the Panhandle region of Lancaster County, specifically the Harrisburg Road and Barberville Road area, and requested that Council slow down the growth.
6. Ann Dyckman, Lancaster, SC, voiced her concerns with the growth in the Panhandle region of Lancaster County.
7. Cathy Storm, Lancaster, SC, spoke regarding Lancaster County's 2040 Comprehensive Plan and the proposed growth included in it, and requested that Council put a moratorium on growth in the Panhandle region of Lancaster County.
8. Lee Olvera, Indian Land, SC, spoke in opposition of Ordinance 2024-1893 due to the hazardous chemicals and air particles produced by asphalt plants.

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

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **6a.**, **6b.**, and **6c.**, [which are the same as Item **a.**, **b.**, and **c.** listed below]. Seconded by Charlene McGriff. The Consent Agenda items Passed by a vote of 7-0.

- a. **Approval of Minutes from the January 10, 2024 County Council Committee of the Whole Meeting**
- b. **Approval of Minutes from the January 16, 2024 Joint County Council, Planning Commission, and Comprehensive Plan Stakeholders Workshop Meeting**
- c. **Approval of Minutes from the January 22, 2024 County Council Regular Meeting**

Non-Consent Agenda

Resolution 1255-R2024 regarding an Agreement By and Between Lancaster County and the Town of Kershaw related to the Kershaw Pool

Resolution Title: A Resolution To Enter Into A Partnership With The Town Of Kershaw For The Ongoing Expense And Maintenance Of The Stevens Park Pool.

Allen Blackmon moved to approve Resolution 1255-R2024. Seconded by Charlene McGriff.

Dennis Marstall discussed the partnership proposal between Lancaster County and the Town of Kershaw and highlighted that the proposed agreement would increase the current amount of funding that the County provides to the Town of Kershaw to \$40,000 per year for pool operations and maintenance. Mr. Marstall noted that the increase of funds would allow for the extension of pool operating hours and visitors would not be required to obtain a YMCA membership to use the pool. John Douglas, Town of Kershaw Administrator, estimated that the increase of funds would benefit about 9,000 visitors as a result of the hours of operation increase. Several Council members stated that they would prefer an annual review of the contract. Council requested that the number of visitors of the pool be documented and presented to Council on an annual basis during budget review season. Terry Graham made a motion to amend the agreement to include a clause to review the contract on an annual basis. Seconded by Jose Luis. The amendment Passed by a vote of 7-0.

Resolution 1255-R2024, as amended, Passed by a vote of 7-0.

Public Hearing and 3rd Reading of Ordinance 2023-1887 regarding Fee Agreement Amendment for Project Cobalt

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

Brian Carnes moved to approve the 3rd Reading of Ordinance 2023-1887. Seconded by Billy Mosteller.

Brian Fulk identified Project Cobalt as the Cooley Group, and noted no changes since the 2nd Reading of Ordinance 2023-1887.

Steve Harper opened the Public Hearing for Ordinance 2023-1887 at approximately 6:52 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 36 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 6:52 p.m.

There was no discussion from Council. The 3rd Reading of Ordinance 2023-1887 Passed by a vote of 7-0.

2nd Reading of Ordinance 2023-1877 regarding Rezoning Property Located at 1662 MacMillan Park Drive from Light Industrial (LI) to Institutional (INS) District to Convert an Existing Structure to a K-12 Private School Facility (Applicants Brian Cillian/Greybridge MacMillan LLC and LEH SC MacMillan LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone Approximately 7.286 Acres (TM# 0007-00-008.05) Located At 1662 Macmillan Park Dr, From Light Industrial (LI) District To Institutional (INS) District - *Planning Department Case Number: RZ-2023-1464.*

Jose Luis moved to approve the 2nd Reading of Ordinance 2023-1877. Seconded by Terry Graham.

Allison Hardin reviewed the County's PowerPoint and provided an update on the major requirements that were needed for the rezoning. Ms. Hardin pointed out that two out of the three requirements had been met. The property is located in a Multi-County Business Park, and the participating county (Chesterfield County) needed to sign off on the rezoning, but they have not done so yet. Ms. Hardin reiterated that the Planning Commission and staff both recommended denial of the rezoning request. The applicant, Brian Cillian, stated that there was an updated site plan for the school that would include soccer fields that the County's Parks and Recreation Department would be able to utilize for the youth soccer program, but Dennis Marstall explained that no proposals had been received in writing. Mr. Cillian also noted that the majority of the surrounding businesses in the industrial park were in favor of the rezoning. Billy Mosteller voiced his standing concerns with the school going into an industrial park. Council and staff discussed, in length, the Fee In Lieu of Tax (FILOT) agreement for the property, and when it would need to be finalized. Jose Luis made a motion to postpone the 2nd Reading

of Ordinance 2023-1877 until the first Council meeting in March, but later withdrew the motion.

The 2nd Reading of Ordinance 2023-1877 Passed by a vote of 5-2. Ayes: Blackmon, Carnes, Harper, Graham, Luis. Nays: Mosteller, McGriff

1st Reading of Ordinance 2024-1890 regarding a Second Amendment to Fee in Lieu for Project Pennant

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Second Amendment To The Fee Agreement Among Lancaster County, South Carolina, [Project Pennant], And [Project Pennant Affiliate]; And To Provide For Other Matters Related Thereto.

Allen Blackmon moved to approve the 1st Reading of Ordinance 2024-1890. Seconded by Charlene McGriff.

Brian Fulk presented the Fee in Lieu amendment for Project Pennant and provided a brief background on the company's employment history.

There was no discussion from Council. The 1st Reading of Ordinance 2024-1890 Passed by a vote of 7-0.

1st Reading of Ordinance 2024-1891 regarding an Amendment to Multi-County Park Agreement for Project Pennant

Ordinance Title: An Ordinance To Amend Section 6 Of Ordinance No. 1088, Relating To The Distribution Of Revenue To Be Received From The Multi-County Park Created For Heath Springs Industrial Park, So As To Permit A Portion Of The Revenue Derived From Industries Or Businesses Located In Such Park To Be Used By The County To Make Infrastructure Reimbursement Payments; And To Provide For Other Matters Related Thereto.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1891. Seconded by Billy Mosteller.

Brian Fulk presented the Multi-County Park amendment related to the distribution of revenue.

There was no discussion from Council. The 1st Reading of Ordinance 2024-1891 Passed by a vote of 7-0.

1st Reading of Ordinance 2024-1892 regarding an Amendment to Fee Agreement with RV-Imagitas, LLC & Lancaster Real Estate Group, LLC

Ordinance Title: To Authorize And Approve The Execution And Delivery Of An Amended And Restated Fee Agreement By And Among Lancaster County, South Carolina, RV-Imagitas, LLC And Lancaster Real Estate Group, LLC; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 1st Reading of Ordinance 2024-1892. Seconded by Charlene McGriff.

Brian Fulk presented the Fee Agreement amendment with RV-Imagitas, LLC and Lancaster Real Estate Group, LLC. Mr. Fulk highlighted that the amendment included a change in employment commitment numbers and a reduction in the duration of the Special Source Revenue Credit.

There was no discussion from Council. The 1st Reading of Ordinance 2024-1892 Passed by a vote of 7-0.

1st Reading of Ordinance 2024-1893 regarding Amending the Unified Development Ordinance (UDO) related to Chapter 2 and Amending Nonmetallic Mineral Product Manufacturing from Permitted with Review to a Conditional Use

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance (“UDO”) Chapter 2 To Amend “Nonmetallic Mineral Product Manufacturing” From A Use Permitted With Review (PR) To A Conditional Use, 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 1st Reading of Ordinance 2024-1893. Seconded by Charlene McGriff.

Allison Hardin presented the Conditional Use amendment, and the application process, via the County PowerPoint and outlined what a "Pending Ordinance Doctrine" was. Council and staff discussed hypothetical conditions that could be included in the Conditional Use permit. Ginny Merck-Dupont stated that if the 1st Reading of Ordinance 2024-1893 passed with the verbiage of a Pending Ordinance Doctrine included within it, Council would be essentially placing a moratorium on asphalt plant permit applications and plan reviews in Lancaster County, and the conditions approved in the 3rd Reading of Ordinance 2024-1893 would be the standard for the Conditional Use permit going forward. No conditions were provided to staff from Council at the 1st Reading.

The 1st Reading of Ordinance 2024-1893 Passed by a vote of 7-0.

Discussion and Action Items

There were no items to discuss for Discussion and Action items during the Council meeting.

Status of items tabled, recommitted, deferred or held

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

Executive Session

Three Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to acquisition of property.
2. Receipt of legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals.
3. Receipt of legal advice subject to the attorney-client privilege regarding litigation filed against the County relative to a zoning matter.

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 acquisition of property, the receipt of legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals, and the receipt of legal advice subject to the attorney-client privilege regarding litigation filed against the County relative to a zoning matter and to invite the Development Services Director into Executive Session to discuss the second and third matter and to invite John DuBose of Smith Robinson, via conference call, to discuss the third matter.

Charlene McGriff stated that she so moved. Seconded by Brian Carnes. The motion to go into Executive Session Passed by a vote of 7-0. At approximately 7:54 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 9:08 p.m. Charlene McGriff moved to come out of Executive Session. Seconded by Jose Luis. The motion to come out of Executive Session Passed by a vote of 7-0.

Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to acquisition of property, received legal advice subject to the attorney-client privilege regarding the Lancaster County Board of Zoning Appeals, and received legal advice subject to the attorney-client privilege regarding litigation filed against the County relative to a zoning matter. She stated that during Executive session, no motions were made and no votes were taken.

Adjournment

Allen Blackmon moved to adjourn the Council meeting. Seconded by Brian Carnes. The motion to adjourn Passed by a vote of 7-0.

There being no further business to discuss, the regular meeting of Council adjourned at approximately 9:09 p.m.

Respectfully Submitted:

Lauren Hill

Lauren Hill
Deputy Clerk to Council

Approved by Council on February 26, 2024

A handwritten signature in dark ink, appearing to read "B Mosteller", is written over a horizontal line.

Billy Mosteller, Secretary