

**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

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**February 26, 2024**

**6:00 PM**

**101 North Main Street  
Lancaster, SC 29720**

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**LANCASTER COUNTY COUNCIL  
County Council Chambers, County Administration  
Building, 101 North Main Street, Lancaster, SC 29720**

**MINUTES**

Council Members Present: Allen Blackmon, Brian Carnes, Billy Mosteller, Charlene McGriff, and Jose Luis.

Council Members Absent: Steve Harper and Terry Graham.

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Allison Hardin, Development Services Director; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Mandy Catoe, Keep Lancaster County Beautiful Director; Grazier Rhea, Catawba Regional Council of Governments Community Development 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 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 - Vice-Chairman Brian Carnes**

Vice-Chairman Brian Carnes called the regular meeting of County Council to order at approximately 6:00 p.m.

**Welcome and Recognition - Vice-Chairman Brian Carnes**

Vice-Chairman Brian Carnes welcomed everyone to the meeting.

**Pledge of Allegiance and Invocation - Council Member Allen Blackmon**

Allen Blackmon 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 Jose Luis. The motion Passed by a vote of 5-0; Absent: Harper, Graham.

### **Citizens Comments**

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

1. Reginald Brackett, Catawba Community Mental Health, requested funding from the County and voiced the need for office space during their building renovations.
2. April Allen spoke on behalf of Continental Tire in opposition of Ordinance 2023-1877. She voiced concerns with the one point of ingress and egress with the potential of a private school being located in the industrial park.
3. Jim Balik, Indian Land, SC, spoke regarding Ordinance 2024-1893 and environmental concerns related to asphalt plants.

### **Special Presentations**

Recognitions by the Keep Lancaster County Beautiful Committee - Mandy Catoe, Director

Mandy Catoe presented two awards on behalf of the Keep Lancaster County Beautiful Committee. The awards were for the group and person who showed the most dedication and commitment to Keep Lancaster County Beautiful's mission: litter reduction, beautification and recycling. The Larry Honeycutt Award was awarded to the volunteer group of the year, Lancaster County Board of Disabilities. The Frank Ferguson Award was awarded to the volunteer of the year, Mr. Billy Mosteller.

Community Needs Assessment Public Hearing, Review of Community Needs List and Prioritization of Community Needs for 2024 and Review of Upcoming Community Development Block Grant (CDBG) Opportunities – Grazier Rhea, Community Development Director, Catawba Regional Council of Governments

Vice-Chairman Brian Carnes originally skipped over the Community Needs Assessment Public Hearing. The vote for the Consent Agenda was taken, then the Community Needs Assessment Special Presentation took place.

Grazier Rhea stated that Lancaster County has a citizen's participation plan for the Needs Assessment Public Hearing that could be found in the Clerk to Council's office, and citizens could request to review the plan. Ms. Rhea also noted that the month of April was Fair Housing month, which was something that Lancaster County supported.

Ms. Rhea reviewed the County's PowerPoint presentation and outlined what the Community Development Block Grant Program (CDBG) was and read through the County's prioritized community needs list. One of the needed infrastructure upgrades mentioned was the Town of Kershaw's wastewater treatment plant. Ms. Rhea noted that, per State requirements, the County would need to be a joint applicant on the grant since the wastewater treatment plant serves residents outside of the Town of Kershaw. Council and Ms. Rhea discussed Brownfield sites, activities to increase affordable housing, renovations at the Barnett Building, and fire apparatus. Charlene McGriff stated that Council needed more time to review and discuss the priority list and determine what community projects needed to be moved up in priority, and also requested that the Catawba Council of Governments (COG) provide Council with a list of active CDBG projects that benefit Lancaster County.

Brian Carnes opened the Community Needs Assessment Public Hearing at approximately 6:52 p.m. He noted that no one signed up to speak at the Public Hearing for the Needs Assessment. There were approximately 21 citizens, including staff members, in attendance during the Public Hearing for this Needs Assessment. The following speakers came forward to make comments or sent in written comments regarding the Needs Assessment: None. Brian Carnes closed the Public Hearing at approximately 6:53 p.m.

## **Consent Agenda**

Billy Mosteller moved to approve Consent Agenda Item **7a., 7b., 7c., and 7d.** [which are the same as Item **a., b., c., and d.** listed below]. Seconded by Charlene McGriff. The Consent Agenda items Passed by a vote of 5-0; Absent: Harper, Graham.

**a. Approval of Minutes from the February 12, 2024 County Council Regular Meeting**

**b. 2nd 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.

**c. 2nd 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.

**d. 2nd 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.

## **Non-Consent Agenda**

**3rd 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 3rd Reading of Ordinance 2023-1877. Seconded by Allen Blackmon.

Allison Hardin discussed the industrial park's covenants and restrictions, separation requirements, property rezoning requirements, and the property's compatibility within the industrial park via the County PowerPoint. Ginny Merck-Dupont stated that based on her conversation with Chesterfield County's Attorney, they indicated that they were not opposed to Lancaster County moving to amend the Kennametal property use to the new proposed use. Dennis Marstall and Ginny Merck-Dupont discussed Fee In Lieu of Tax (FILOT) agreements for the property and noted that the County was still in conversation with the Department of Revenue for their opinion on the taxation of the property.

Charlene McGriff stated that her primary concern was the safety of children. She was concerned with mixing school traffic and industrial park traffic. She also noted that the County's focus should be on the existing

industries that have benefited the County and created jobs for many residents, such as Continental Tire. Billy Mosteller reiterated his safety concerns of the children, and that the rezoning would be detrimental to the current and future tenants of the industrial park due to the buffer/separation requirements that would be set in place. Allison Hardin noted that there would be no additional buffers required if the property remained as Light Industrial (LI), but there would be additional buffers required if the property use were to go from Light Industrial to Institutional (INS) for the school. Allison Hardin and Jose Luis discussed what types of uses were currently allowed under the Light Industrial (LI) zoning. Ms. Hardin stated that the Pending Ordinance Doctrine could be invoked if Council was concerned about an indoor amusement park being located in the industrial park should the rezoning for the private school fail. Ms. McGriff noted that the private school would only benefit a small number of Lancaster County residents, and the focus should be on the existing industries in the industrial park. Allen Blackmon stated that Council had been under the impression that all current businesses in the industrial park were in favor of the rezoning, but according to Ms. April Allen, who spoke during Citizen Comments, Continental Tire is not in favor of the rezoning.

The applicant, Brian Cillian, requested that Council postpone the 3rd Reading of Ordinance 2023-1877 due to the lack of communication between the applicant and Continental Tire. April Allen stated that she would be able to provide Council with a resolution from Continental Tire's corporate office and noted that the company was opposed to the rezoning request, and Allen Blackmon requested that their opposition be provided to Council in writing.

Allen Blackmon made a motion to defer the 3rd Reading of Ordinance 2023-1877 to the March 11, 2024, regular Council meeting. Seconded by Jose Luis. The motion to defer the 3rd Reading of Ordinance 2023-1877 Passed by a vote of 4-1. Ayes: Blackmon, Carnes, McGriff, Luis; Nays: Mosteller; Absent: Harper, Graham.

## **2nd 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

Allison Hardin updated Council on the Pending Ordinance Doctrine that was discussed at the February 12, 2024, regular Council meeting. The Planning Commission advertised a Public Hearing for the matter and planned to readdress the issue following their March 2024 meeting. Ms. Hardin noted that any additional changes requested by Council would be discussed at the March 2024 Committee of the Whole meeting and would then be presented to the Planning Commission for their review and Public Hearing. Ms. Hardin noted that she would return before Council once the Planning Commission had made their recommendation on Ordinance 2024-1893.

Charlene McGriff moved to defer the 2nd Reading of Ordinance 2024-1893 to a future Council meeting after the Planning Commission had made their recommendation. Seconded by Jose Luis.

There was no discussion from Council. The motion to defer the 2nd Reading of Ordinance 2024-1893 Passed by a vote of 5-0; Absent: Harper, Graham.

## **Discussion and Action Items**

### **Appointment to the Lancaster County First Steps Board**

- Susannah Baker to the Lancaster County First Steps Board

Billy Mosteller made a motion to approve the appointment of Susannah Baker to the Lancaster County First Steps Board. Seconded by Charlene McGriff.

There was no discussion from Council. The motion Passed by a vote of 5-0; Absent: Harper, Graham.

### **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**

Two Items:

1. Receipt of legal advice subject to the attorney-client privilege regarding the status of pending litigation.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to acquisition of property.

Brian Carnes stated that he needed a motion to go into Executive Session for the receipt of legal advice subject to the attorney-client privilege regarding the status of pending litigation, and the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to acquisition of property.

Allen Blackmon stated that he so moved. Seconded by Jose Luis. The motion to go into Executive Session Passed by a vote of 5-0; Absent: Harper, Graham. At approximately 7:31 p.m., Council went into Executive Session.

### **Items Requiring a Vote Following Executive Session**

Council came out of Executive Session and Brian Carnes called the Council meeting back to order at approximately 7:55 p.m. Jose Luis moved to come out of Executive Session. Seconded by Charlene McGriff. The motion to come out of Executive Session Passed by a vote of 5-0; Absent: Harper, Graham.

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

### **Adjournment**

Billy Mosteller moved to adjourn the Council meeting. Seconded by Allen Blackmon. The motion to adjourn Passed by a vote of 5-0; Absent: Harper, Graham.

There being no further business to discuss, the regular meeting of Council adjourned at approximately 7:56 p.m.

*[signatures on next page]*

Respectfully Submitted:

*Lauren Hill*

Lauren Hill  
Deputy Clerk to Council

Approved by Council on March 11, 2024

A handwritten signature in cursive script, appearing to read "B Mosteller", is written over a horizontal line. The signature is contained within a light gray rectangular box.

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Billy Mosteller, Secretary