

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 13, 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, Terry Graham, Jose Luis, Charlene McGriff, Billy Mosteller.

Council Members Absent: Steve Harper (*who only joined the meeting via phone for Executive Session*).

Staff Members/Others present: Dennis Marstall, County Administrator; Ginny Merck-Dupont, County Attorney; Sherrie Simpson, Clerk to Council; Stephany Snowden, Deputy County Administrator; Sabrena Harris, Chief Financial Officer; Jamie Privuznak, Budget Director; Allison Hardin, Development Services Director; Brian Fulk, Economic Development Director; Auditor Suzette Murphy; Brenda Thompson, Marketing and Communications Director; Dr. April Williams, Library Director; Jeff Catoe, Director of Public Works; Phil Leazer with KCI Technologies; Frannie Heizer with Burr Forman Law firm; Michael Seezen with Burr Forman Law firm; 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 - Vice-Chair 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-Chair Brian Carnes

Vice-Chairman Brian Carnes welcomed everyone to the meeting, including the former Chairman of County Council and current Chair of the County Transportation Committee (CTC) Rudy Carter.

Pledge of Allegiance and Invocation - Council Member Jose Luis

Jose Luis led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Allen Blackmon moved to approve the agenda. Seconded by Charlene McGriff. Council took a vote on the motion to approve the agenda and it Passed by unanimous vote of 6-0.; Absent: Harper.

Citizens Comments

The following citizens signed up for and spoke during Citizens Comments: None.

The following citizen submitted an electronic, written comment for Citizens Comments, of which Council received a physical copy at their seats and which was acknowledged during the meeting by Sherrie Simpson, Clerk to Council:

1. Conrad Trapp, Lancaster County, SC, wrote in asking Council to support changing Ordinance 2024-1893 from Permitted with Review to Conditional Use and his comments are attached as Schedule A to the written minutes in the Clerk to Council's office.

Special Presentations

Jeff Catoe explained that the County's Traffic Calming Program was growing. He introduced outside consultant Phil Leazer with KCI Technologies and he provided an overview of the program via the County's power point presentation. Council, staff, and the consultant discussed the costs of the study and whether citizens could pay for the study themselves or donate funds to the County to be used specifically for that program, which they cannot. They also discussed the benefits and drawbacks to the program for citizens.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **7a.**, Item **7b.**, Item **7c.**, and Item **7d.** *[which are the same as Item a., Item b., Item c., and Item d. listed below]*. Seconded by Charlene McGriff. Council took a vote on the motion to approve and all of the Consent Agenda Items listed on the agenda below Passed by unanimous vote of 6-0.; Absent: Harper.

- a. **Approval of Minutes from the April 10, 2024 County Council Budget Workshop**
- b. **Approval of Minutes from the April 17, 2024 County Council Budget Workshop**
- c. **Approval of Minutes from the April 22, 2024 County Council Regular Meeting**
- d. **Approval of Minutes from the April 24, 2024 County Council Budget Workshop**

Non-Consent Agenda

Resolution 1260-R2024 regarding Establishing the Local Option Sales Tax Credit Factor

Resolution Title: A Resolution Establishing The Local Option Sales Tax Credit Factor For The 2024 Tax Year.

Dennis Marstall explained that each year, the Auditor establishes the Local Option Sales Tax Credit Factor (LOST) for the County. Council asked the Auditor if the LOST Credit Factor was significantly different this year than last year. Auditor Suzette Murphy explained that it was not significant but that it was going up.

Charlene McGriff moved to approve Resolution 1260-R2024. Seconded by Terry Graham. Council took a vote on the motion to approve and Resolution 1260-R2024 Passed by unanimous vote of 6-0.; Absent: Harper.

Public Hearing and 3rd Reading of Ordinance 2024-1904 regarding Amending the Fiscal Year 2023-2024 Budget regarding a Departmental Budget Transfer

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.

Sabrena Harris reviewed the budget amendment, which is outlined in the Agenda Item Summary found in the Agenda packet.

Brian Carnes opened the Public Hearing for Ordinance 2024-1904 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 27 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. Brian Carnes closed the Public Hearing at approximately 6:23 p.m.

Billy Mosteller moved to approve the 3rd Reading of Ordinance 2024-1904. Seconded by Charlene McGriff. There was no further discussion from Council. Council took a vote on the motion to approve and the 3rd Reading of Ordinance 2024-1904 Passed by unanimous vote of 6-0.; Absent: Harper.

Public Hearing and 2nd Reading of Ordinance 2024-1897 regarding Adding Property to the Edgewater II Improvement District

Ordinance Title: An Ordinance To Add Certain Property To The Edgewater II Improvement District; And To Provide For Other Matters Relating Thereto

Dennis Marstall explained that this Ordinance was on 2nd Reading and that outside consultant Michael Seezen with Burr Forman Law firm was in the audience if Council had any questions regarding this Ordinance. Michael Seezen provided a brief history of the Ordinance and noted that the Ordinance was adding approximately 3.39 acres of property to the Edgewater II Improvement District. There were no further questions from Council.

Brian Carnes opened the Public Hearing for Ordinance 2024-1897 at approximately 6:26 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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. Brian Carnes closed the Public Hearing at approximately 6:26 p.m.

Council and Michael Seezen discussed the 2 scrivener's error that should have been shown in the redline version of the Ordinance in the agenda packet but were not. Michael Seezen explained that the two edits that were made to the Ordinance were as follows: (1) in Section 1(a), the date of the enactment was amended to 10-25-2021; and (2) removing the following end to Section 1(a) ... (the "Development")~~[- the present boundaries of which District are shown in Exhibit A attached hereto]-~~).

Terry Graham moved to approve the 2nd Reading of Ordinance 2024-1897. Seconded by Charlene McGriff. Council took a vote on the motion to approve and the 2nd Reading of Ordinance 2024-1897 Passed by unanimous vote of 6-0.; Absent Harper.

2nd Reading of Ordinance 2024-1899 regarding Amending the Lancaster County Code Relating to Personnel Policies

Ordinance Title: An Ordinance To Amend The Lancaster County Code, Specifically Chapter 2, Article IV, Relating To The Lancaster County Personnel Policy.

Dennis Marstall explained that the County needed to update the personnel policies and that this Ordinance would undo the adoption of those personnel policies via ordinance and allow the County to adopt them via Resolution. Council member Terry Graham asked for a physical copy of the updated personnel policies.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2024-1899. There was no second to the motion to approve and so the 2nd Reading of Ordinance 2024-1899 died on the floor. Dennis Marstall explained that the County would use the existing personnel policies from 2019. Council and staff discussed that the updated personnel policies could come back to Council for approval via an ordinance and not a resolution.

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 provided an overview of the proposed text amendment to the Unified Development Ordinance regarding changing Nonmetallic Mineral Product Manufacturing from Permitted with Review to Conditional Use via the County power point presentation. She also provided and reviewed a five page handout with Council and that handout is attached as Schedule B to the written minutes in the Clerk to Council's office. Council and staff discussed that the County should be consistent with surrounding counties and what properties in the County would meet the proposed setbacks.

Terry Graham moved to approve the 2nd Reading of Ordinance 2024-1893. Seconded by Charlene McGriff.

Terry Graham moved to amend Ordinance 2024-1893 to use a 500 foot setback from commercial zoning, a 1,000 foot setback from residential zoning, and a one mile setback from the Catawba River. Seconded by Jose Luis. Council took a vote on the motion to amend and it Passed by unanimous vote of 6-0.; Absent: Harper.

Council took a vote on the motion to approve the 2nd Reading of Ordinance 2024-1893 as amended and it Passed by unanimous vote of 6-0.; Absent: Harper.

Public Hearing and 1st 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

Council member Terry Graham explained that he was recusing himself from the discussion and vote regarding Ordinance 2024-1905. His Statement of Recusal is attached as Schedule C to the written minutes in the Clerk to Council's office. He left Chambers at approximately 6:42 p.m.

Allison Hardin provided an overview of the rezoning request via the County power point presentation. Council and staff discussed the type of residences on the property and whether there could be a smell associated with agritourism.

Brian Carnes opened the Public Hearing for Ordinance 2024-1905 at approximately 6:46 p.m. He noted that no one signed up to speak at the Public Hearing for the Ordinance. There were approximately 27 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. Brian Carnes closed the Public Hearing at approximately 6:47 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2024-1905. Seconded by Billy Mosteller. There was no further discussion from Council. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1905 Passed by a vote of 5-0.; Abstain: Graham; Absent: Harper.

Terry Graham came back into Chambers at approximately 6:48 p.m. and rejoined the meeting in progress.

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.

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

Dennis Marstall introduced Jeff Catoe and Rudy Carter, Chair of the County Transportation Committee (CTC), so that they could provide an overview of the proposed transportation sales tax, which they did via the County power point presentation. Jeff Catoe explained that the County had approximately 1,400 miles of publicly maintained roadway and that only 94 miles of those roadways had been improved since 2018. He noted that those improvements had been funded through the Capital Project Sales Taxes (CPST) 2, the CPST 2 proviso, C-funds administered through the CTC, and a County road fee. He further explained that the only option to address future road needs was a dedicated funding stream such as a proposed transportation tax. He explained the parameters of the proposed tax and that it would be subject to a referendum. Dennis Marstall then reviewed the revenue projections for the proposed tax via the County power point. Jeff Catoe then reviewed the CTC's project recommendations via the County power point. Lastly, Dennis Marstall explained, via the County power point, which other Counties in the State have a Transportation Sales Tax, sample ballot language for the proposed referendum, and the timeline for the proposed Transportation Sales Tax. Frannie Heizer, the outside consultant with Burr Forman Law firm, explained that she was looking into whether the sales tax referendum could be held in both odd and even years in a general election and that she would look to seek an Attorney General's opinion on that question.

Council, staff and Frannie Heizer discussed whether the ballot referendum had to identify all of the projects, which it does not. They also discussed whether specific projects could be required as part of the ordinance and referendum, concurrency, controlling growth, that this ordinance does not require a priority listing of projects, the need for flexibility within this ordinance regarding projects, the number of taxes in the County, whether Council should delay this proposed funding source, the timing of the referendum in relation to the upcoming school bond referendum, whether the CTC had enough time to truly consider the projects, whether the municipalities would support the referendum, the costs to bury utilities along Highway 521, and whether specific road widening projects should be included in the ordinance. Dennis Marstall provided a four page handout entitled "Municipality Road Candidates Approved by CTC" and that handout is attached as Schedule D to the written minutes in the Clerk to Council's office. Council and staff discussed whether citizens would be in favor of the referendum if they did not trust the process and that they needed clarity in regards to the projects that would be completed. Council clarified that the major projects would not be completed first and noted that there should be language in the ordinance guaranteeing that Highway 521 would be widened under this proposed Sales Tax.

After continued discussion from Council on whether to move forward with the proposed Transportation Sales Tax, Terry Graham moved to postpone the 1st Reading of Ordinance 2024-1906 until an Attorney General's opinion could be obtained as to whether a referendum on the proposed Transportation Sales Tax could be placed on the ballot in 2025. Seconded by Jose Luis. Frannie Heizer explained that she would also be researching the wording on the ordinance during this time. Council took a vote on the motion to postpone and the 1st Reading of

Ordinance 2024-1906 was postponed by a vote of 5-1.; Ayes: Blackmon, Carnes, Graham, Luis, Mosteller; Nays: McGriff; Absent: Harper.

1st 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.

Billy Mosteller moved to approve the 1st Reading of Ordinance 2024-1907. Seconded by Allen Blackmon. Sabrena Harris explained that this budget amendment would allow the transfer of funds from the Solid Waste department's Capital Equipment line item into the Roads department's Capital Equipment line item for the purchase of a used bulldozer with funds from the current fiscal year. Council and staff discussed the number of hours on the used bulldozer and that the County does not currently have a functioning bulldozer. Council took a vote on the motion to approve and the 1st Reading of Ordinance 2024-1907 Passed by unanimous vote of 6-0.; Absent: Harper.

Discussion and Action Items

Approval of Appointment to the Van Wyck Fire Protection District Fee Board

- Monty King to the Van Wyck Fire Protection District Fee Board as one of the four appointees to fill a four year term that would expire on 06/30/2027 (2nd Term)

Terry Graham moved to approve the appointment of Monty King to the Van Wyck Fire Protection District Fee Board. Seconded by Jose Luis. Council took a vote on the approval of the appointment and Monty King was approved to the Van Wyck Fire Protection District Fee Board by unanimous vote of 6-0.; Absent: Harper.

Status of items tabled, recommitted, deferred or held

- a. HOLD - 2nd 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 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 - *Passed 4-3 at the March 11, 2024 County Council Meeting (Brian Carnes, Steve Harper, and Jose Luis Opposed). - Allison Hardin*
- b. 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 any of the items tabled, recommitted, deferred, or held.

Miscellaneous Reports and Correspondence

There were no Miscellaneous Reports or Correspondence to discuss 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 an Economic Development project: Project Tree.
2. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the Riverchase Development Agreement.
3. Receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the 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 a potential contractual matter relating to an Economic Development project: Project Tree; the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the Riverchase Development Agreement; and the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property; and to invite the Economic Development staff into Executive Session to discuss the first matter. Charlene McGriff stated that she moved to go into Executive Session. Seconded by Terry Graham.

For the record, Allen Blackmon recused himself from the discussion of the third item for Executive Session, the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property. His Statement of Recusal is attached as Schedule E to the written minutes in the Clerk to Council's office.

The motion to go into Executive Session Passed by unanimous vote of 6-0; Absent: Harper. At approximately 7:42 p.m., Council went into Executive Session. Chairman Steve Harper joined Council in Executive Session via phone. He left the meeting after Executive Session ended.

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 8:17 p.m. Billy Mosteller moved to come out of Executive Session. Seconded by Charlene McGriff. The motion to come out of Executive Session Passed by unanimous vote of 6-0.; Absent: Harper.

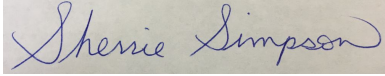
Upon returning to open session, Ginny Merck-Dupont noted that during Executive Session, Council received legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to an Economic Development project: Project Tree; the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the Riverchase Development Agreement; and the receipt of legal advice subject to the attorney-client privilege regarding a potential contractual matter relating to the acquisition of property. She stated that during Executive Session, no motions were made and no votes were taken.

Charlene McGriff moved to authorize the Administrator to enter into negotiations and execute all necessary documentation related to the purchase of property within the parameters discussed during Executive Session. Seconded by Terry Graham. Allen Blackmon noted that he was recusing himself on the vote, as stated earlier in the meeting. Council took a vote on the motion to authorize and the motion Passed by unanimous vote of 5-0.; Abstain: Blackmon; Absent: Harper.

Adjournment

Jose Luis moved to adjourn the regular meeting of Council. Seconded by Charlene McGriff. The motion to adjourn Passed by unanimous vote of 6-0.; Absent: Harper. There being no further business, the regular meeting of Council adjourned at approximately 8:19 p.m.

Respectfully Submitted:

A handwritten signature in blue ink that reads "Sherrie Simpson".

Sherrie Simpson
Clerk to Council

Approved by Council on May 28, 2024

A handwritten signature in black ink that reads "Billy Mosteller".

Billy Mosteller, Secretary