

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

January 26, 2009

Chairman Thomas called the meeting to order at 6:00 p.m. Cotton Cole offered the invocation.

County Council members present were Chairman Fred Thomas, Vice-Chairman Rudy Carter, Secretary Larry Honeycutt, Jack Estridge, Kathy Sistare, Larry McCullough, and D. W. Cotton Cole. Also present were Steve Willis, Frannie Heizer, Veronica Thompson, Chris Karres, Irene Plyler, Sheriff Barry Faile, Maj. David Belk, Keith Tunnell, Morris Russell, spectators, and 2 members of the press.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: Lancaster News, York Observer, Kershaw News Era, The State, The Rock Hill Herald, Fort Mill Times, WRHI Radio, Cable News 2, Channel 9, and the local Government Channel.

AGENDA APPROVAL

MOTION was made by Larry McCullough to approve the agenda. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

CITIZENS COMMENTS

Roger Hough, 280 Point Carpetville Road, Indian Land, 803-547-5444, who lives in Lakeview Landing, spoke about the noise coming from the cement plants. Feels nothing has been done by Council to eliminate their problems. Also spoke about the water tower placed in their area by the Water & Sewer District, the bus turning lane placed at the entrance to their development, and lights from the softball field shining in their development. He was opposed to the Doby's Bridge Road rezoning.

Scott Bruntmeyer, 511 New Harbor Court, Indian Land, 704-650-0202, lives in Lakeview Landing. He spoke in opposition to the rezoning on Doby's Bridge Road as two sides of this property are back up against residential properties and felt that the rezoning will devalue their properties. Would like that property to remain residential.

Sandie Fenton, 218 Point Carpenter, Lakeview Landing, Indian Land, 803-547-3973, stated that when she moved there 8 years ago, there was one concrete plant, but now there are four. Also spoke about the softball field lights shining in their homes and the turning lane for the school buses which makes it difficult for them to get out of their development. Was opposed to the possible rezoning to commercial on Doby's Bridge Road.

Mark Fenton, Indian Land, 803-547-3973, stated that they do not object to development along 521, but object to rezoning property on Doby's Bridge Road to commercial since it is mainly residential. Felt that if this rezoning went through, it would set a precedent for other landowners in the area.

Troy Elmore, 4439 Old Hickory, Lancaster, 286-6013, spoke to Council about the public not being able to hear in the back of Council Chambers and asked Council members to please speak in their microphones.

Douglas Warren McManus, 1520 Barron Point, Rock Hill 803-366-9380, owns the Lancaster Speedway. He explained the management of race track and that it was family oriented since he and his wife

purchased it about 6 years ago. He presented a frame to Council containing articles that were published in the Charlotte Observer about that facility and asked they it be hung in Council offices.

#### GUARDIAN AD LITEM PROGRAM

Steve Willis advised that the Guardian Ad Litem Program has requested that their Lancaster office be considered for inclusion in the new courthouse. They are searching for rent-free space. He had explained to Ms. Funderburk from the Program that security was the prime factor in the courthouse design and their volunteers and clients would have to pass through security measures and not be able to use the building by themselves in the evenings for training. Steve Willis did not recommend that agencies other than court-related departments be included in the new courthouse, but wanted to bring it before Council for their input. Although they felt this was an excellent program, Council was in agreement with Mr. Willis and felt that the courthouse should be limited to strictly court support staff and that the courthouse would not be the proper location for this program. Ms. Funderburk will be contacted by Mr. Willis.

#### SHERIFF'S OFFICE VEHICLES

Steve Willis advised that Sheriff Faile requested that two vehicles in his fleet be retained for use by the School Resource Officers at Buford and Andrew Jackson, which would allow them to transport students when needed to either the Department of Juvenile Justice and/or the County Detention Center. The School Resource Officers at the Lancaster and Indian Land schools had been assigned vehicles in the past, but those assigned to Buford and A.J. had not. He noted that the school district will keep up the maintenance of the vehicles. If this request is granted, the Sheriff would remove 8 vehicles rather than 10 from his fleet.

MOTION was made by Larry Honeycutt to move this to an action item on the February 2 agenda. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

#### SHERIFF'S OFFICE REORGANIZATION

Sheriff Barry Faile presented Council with an overview of the reorganization of his department since he took office earlier this month. He introduced David Belk, who will be his Chief Deputy. Council accepted his report as information.

#### LCEDC INDUSTRIAL PARK PROJECTS

Steve Willis updated Council on the Heath Springs Business Park and where they are headed with the Kershaw Business Park. He noted that the Lancaster County Economic Development Corp. Board has recommended that the county retain the services of Compass Development to oversee the development of the Kershaw Industrial Park at a proposed cost of \$21,700. The Lancaster County Purchasing Policy requires that Council approve bids over \$20,000. Steve Willis recommended that the contract be approved. He noted that this will only allow them to move forward with the work at the park and will give the Economic Development Corp. much of the data needed to make this a certified development site, which will give them a tremendous head start in attracting prospects.

MOTION was made by Jack Estridge to move this to an action item on the February 2 County Council agenda. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#### PARCELS FROM FORFEITED LAND COMMISSION

Steve Willis advised that the Tax Collector had been clearing up some old issues which she inherited when taking over that position, one of which is land that has been sold for taxes year after year with no buyer. This land has ended up with the Forfeited Land Commission, consisting of the County Treasurer, County

Auditor, and County Tax Collector. He explained that they sit on it for one year and then the process starts over again. Three parcels have been identified along the northern end of Pardue Street, which are inside city limits and in the floodplain of the adjacent creek, rendering them unbuildable. He requested authorization to redeem the three parcels from the Forfeited Land Commission for \$5,214.85, which was three years worth of taxes; file to annex the parcels into the City of Lancaster as the City has been working with the Katawba Valley Land Trust to acquire property along the creek for many years; and prepare an ordinance transferring the property to the Katawba Valley Land Trust with the appropriate conservation easements.

MOTION was made by Larry Honeycutt to move this to an action item on the February 2 County Council agenda. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

#### TRADESVILLE FIRE STATION ROOF

Steve Willis reminded Council that they had previously approved funds to be used to repair the roof at the Tradesville Fire Department. This was in exchange for the free use of the building by the EMS crew. The fire department had underestimated the price of the repairs. In answer to a question posed by Council concerning the underestimation, they were advised that the price of material had gone up since they first requested that the roof be repaired. Therefore, an additional \$7,500 was needed to complete the repairs. Steve Willis recommended taking the funds from the Contingency Fund be used to complete the roof repairs.

MOTION was made by Cotton Cole to move this to an action item on the February 2 agenda. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

#### COMMITTEE REPORTS

There were no committee reports.

#### COUNTY ATTORNEY REPORT

Frannie Heizer advised that she would have an item to report in executive session.

#### MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending December 31, 2008. She noted that the county had an estimated \$11.9 million in unreserved fund balance for the general fund. The total fund balance was \$3 million more than last month. Council accepted the report as information.

#### SOLID WASTE HANDLING AGREEMENT

A proposed Solid Waste Handling Agreement between the City and the County, which covers a handling and transportation arrangement for waste that is considered residential solid waste, was presented to Council to review at the last meeting and for action this evening.

MOTION was made by Rudy Carter to approve entering into a Solid Waste Handling Agreement with the City of Lancaster. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### CLASSIFICATION & COMPENSATION PLAN

The Plan was reviewed and discussed by Council during a special work session held earlier this month and brought to the table for action.

MOTION was made by Rudy Carter to adopt the Classification and Compensation Plan prepared by the Archer Group. SECONDED by Larry McCullough. PASSED 5-2. For: Rudy Carter, Larry McCullough, Fred Thomas, Jack Estridge, Larry Honeycutt. Opposed: Kathy Sistare, Cotton Cole.

#### RESOLUTION #673

Steve Willis explained that County Council had previously adopted a plan to insure that county government operations would continue in the event of a natural or man-made disaster. The plan had been prepared by the Lancaster County Emergency Management office. It was explained that one of the segments needed to be readopted every two years, which is how Council desires to handle the line of succession should that become an issue. Previously, this had been handled by using the elected County Council officers and then members based upon seniority. He presented a resolution which would ratify the previously adopted procedure.

MOTION was made by Larry Honeycutt to adopt Resolution #673 readopting the Lancaster County Continuity of County Government Plan which specifies the succession of Council members. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### BOARD & COMMISSION APPOINTMENTS

##### Catawba Regional Council of Governments Board of Directors

MOTION was made by Rudy Carter to appoint Fred Thomas as the Council's representative on the Catawba Regional Council of Governments Board of Directors. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#### CONSENT ACTION ITEMS

MOTION was made by Rudy Carter to adopt the consent action items as listed below. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Items approved were:

- 1) Oct. 27, Nov. 3, Nov. 24, Nov. 27, Dec. 2, Dec. 8, Dec. 22, 2008, and January 5, 2009 County Council meeting minutes.
- 2) Resolution #672 committing to funding grants for the Sheriff's Office.
- 3) Resolution #674 requesting the General Assembly to continue to support incentives for recyclers.

#### ORDINANCE READINGS

Consent ordinance readings were voted on individually.

##### Ordinance #969 – adding a project to the Joint Industrial Park with Chester

MOTION was made by Rudy Carter to hold 2<sup>nd</sup> reading of Ordinance #969 amending Ordinance #701 relating to the approval of an agreement for the development of a Joint Industrial and Business Park with Chester County, so as to authorize and approve an amendment to the agreement for the purpose of adding to the park the Project 0822 Property located in Chester County, and to authorize certain officials of the county to execute and deliver the amendment on behalf of the county. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #970 rezoning 4172 Doby's Bridge Road

MOTION was made by Jack Estridge to hold 2<sup>nd</sup> reading of Ordinance #970 amending the county zoning map, specifically property petitioned by Ms. Gwyn located at 4172 Doby's Bridge Road in Indian Land (tax map 13, parcel 12) from R-15P Moderate Density Residential/Agricultural District to B-3 General Commercial District. SECONDED by Rudy Carter. PASSED 5-2. Opposed: Fred Thomas, Larry McCullough.

Ordinance #971 Joint Industrial Park (MacMillan Investment) (Continental Tire)

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #971 to authorize and approve an agreement for the development of a Joint Industrial and Business Park by and between Lancaster County (MacMillan Investments II tract) (Continental Tire); to require the payment of a fee-in-lieu of ad valorem taxes by businesses and industries located in the park; to apply zoning and other laws in the park; to provide for law enforcement jurisdiction in the park; and to provide for the distribution of park revenue within the county. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Rudy Carter to go into executive session to discuss a contractual matter. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

MOTION was made by Cotton Cole to go out of executive session and back into regular meeting. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

As Council came out of executive session, Chairman Thomas announced that Council discussed a contractual item related to a subdivision bond and no motion would be forthcoming as a result of executive session.

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0 The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 02-23-2009

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Larry Honeycutt, Secretary