

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

February 23, 2009

Chairman Thomas called the meeting to order at 6:00 p.m. Larry McCullough 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, Penelope Karagounis, Alan Patterson, Brian Carnes, Cassie Stump, Jonathan and Hector Soliman, spectators, and 3 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

It was requested that a Resolution be added congratulating the Lancaster County Parks and Recreation U-15 soccer team.

MOTION was made by Cotton Cole to approve the agenda as amended. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

PUBLIC HEARING

MOTION was made by Rudy Carter to go into public hearing to receive comments from the public regarding Ordinance #971 authorizing the development of a Joint Industrial and Business park between Lancaster County and Chester County in order to add a certain property of MacMillan Investments II, LLC. The property is located in Lancaster County at 2830 MacMillan Park Drive, Indian Land. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

There were no comments.

MOTION was made by Larry Honeycutt to go out of public hearing and back into regular session. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

RECOGNITION OF EAGLE SCOUT

Vice Chairman Rudy Carter present Jonathan Soliman a Proclamation congratulating him for reaching the rank of Eagle Scout.

CITIZENS COMMENTS

Russell Dwyer, 200 North Hampton, Kershaw, 475-7919, spoke in favor of repealing the blue laws.

The following individuals spoke in opposition to repealing the Blue Laws.

William Ferguson, 3643 Flat Creek Road, 803-283-4779  
Rev. Marvin Tennant, 542 Lancaster Bypass East, 420-0331  
Rev. Huey Mills, 602 Davis St, 320-0770  
Rev. Mitch Ingram, 2912 University Drive, 283-9880  
Rev. Rex Faile, 1181 Faile St., Lancaster, 803-804-1426  
Rev. George Williams 2006 Emma Circle, 285-3149

Alan Patterson, 206 Patterson Lane, Indian Land, 548-5317, spoke in opposition to the rezoning to B-3 on Doby's Bridge Road that has been tabled by Council. He also was opposed to repealing the Blue Laws.

Mary Reimers, 2007 Green Peach Road, 285-1401, mentioned that last year she spoke and requested that the county license animals, but it was not adopted in the ordinance. She asked Council to reconsider changing the name tag requirement to a license which would show that the pet has had a rabies vaccine.

Derek Smith, 962 High Land, 320-7277, asked what sections of the Sunday Work Prohibition Law would be repealed if this ordinance was adopted, since there are many parts to the law.

Dean Faile, 4086 Flint Drive, 283-4105, President and CEO of the Lancaster Chamber of Commerce, spoke in favor of repealing the blue laws, since he felt that this would allow businesses to choose whether they are open or not and citizens to choose whether they wish to shop or not.

#### ENERGY STUDY

James Bennett from Energy System Group gave Council a quick overview of the findings of the energy study they performed on county-owned buildings. He explained that the project will be paid for totally from energy savings. The State Energy Office reviewed the study and gave its support of the proposed performance contract. Findings by Can-Engineering, Inc., consulting engineers, hired to review the proposal were included in Council's agenda. They gave their endorsement and the findings were generally favorable, but did stress concerns should the county not include the initial training and monitoring period proposed by ESG. ESG guaranteed that if the savings are not reached to pay for the project, ESG will pay the difference.

MOTION was made by Larry Honeycutt to move the approval of the performance contract with ESG to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

#### PLEASANT VALLEY FIRE STATION BOND

Frannie Heizer briefed Council on the proposed bond to construct the new Pleasant Valley Fire Station #1 on Possum Hollow Road. Approval of the bond, which would be in the range of \$2.5 million would require three readings of an ordinance. Frannie Heizer advised that the bond and use agreement will all be under the same ordinance which should be presented to Council for first reading at the end of March or the first meeting in April. It was noted that \$239,000 was collected last year from the \$75.00 fee. Council stressed that the payments not go over the amount collected yearly. The County Attorney will continue working with the Fire District regarding these bonds.

#### BONTERRA BUILDERS TIME EXTENSION

Steve Willis advised that a letter was received from Bonterra Builders requesting an extension of time on the time schedule included in the Barber Rock Development Agreement dated May 16, 2007. Due to delay in the acquisition of the offsite sewer easements and the downturn in the economy, the project will not be complete within 3 years. Bonterra Builders began site development in December of 2007. They requested an extension from three years to six years. Frannie Heizer recommended that the development schedule be kept consistent with the terms of the development agreement and that six years is beyond the terms of the agreement. She advised that a maximum of 5 years could be allowed. According to the Development Agreement, an adjustment would be effective 60 days from the receipt of the request unless County Council has disapproved the proposed adjustment by passage of a resolution to that effect within the 60 day period. Action must be taken by April 6. Chairman Thomas asked that this request from Bonterra be placed on every agenda until some action is taken by Council.

#### ELECTION COMMISSION

Cassie Stump advised that the state has been working with a firm to scan and computerize the numerous paper voter registration forms that the counties have that are currently in file cabinets in the Voter Registration Offices. There are presently about 40,000 voter files dating back to 1967 in Lancaster County. The cost to scan, index, prepare documents to be scanned, and provide a duplicate CD would be \$7,971.20. Annual maintenance of the system would be \$2,160. Steve Willis recommended using funds in the contingency fund for this purpose.

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

#### SALARY SUPPLEMENTS FOR TREASURER AND AUDITOR

Steve Willis advised Council that it appears that the legislature will not reinstate the salaries of the County Auditor and Treasurer in this fiscal year. He requested that Council make up the cut salary supplements for 4 months (March, April, May and June, 2009) which would cost the county \$3,741.60.

MOTION was made by Larry Honeycutt to move this to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

#### COUNTY NUISANCE ORDINANCE

Larry Honeycutt explained that for the last three years, there have been problems with dogs fighting and one killed on Grace Avenue. In addition, one vacant home has numerous animals which has caused noise, bad odors, and flies. He feels this could cause serious health problems to the neighbors. He would like to see a nuisance ordinance adopted that would be in addition to the animal control ordinance. He asked that the County Administrator acquire nuisance ordinances from other counties.

Chairman Thomas appointed a committee consisting of Larry Honeycutt, Larry McCullough, and Jack Estridge. They are to review the ordinances acquired and draft an ordinance they feel would be strict enough and would be enforceable.

### HOPE OF LANCASTER

Steve Willis advised that HOPE is presently in the old Children's Home while their building is been expanded, which is a county-owned building. They presently pay rent to the County in the amount of \$255 per month for a portion of the building at the old nursing home on Highway 9. It was suggested that the \$255 be waived until they move back to the facility, which will enable them to use the funds to help the citizens of the county.

MOTION was made by Larry Honeycutt to move this to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

### KERSHAW SIGN

Steve Willis advised that the Kershaw Action Council and the Town of Kershaw are seeking the donation of the welcome sign located at the southern entrance to the Town of Kershaw. The sign was not placed at the entrance to the county, but at the entrance to the Town of Kershaw. The Town would like to rework the sign into a "Welcome to the Town of Kershaw" sign. He advised that this proposal would involve the county installing a new sign at the entrance to Lancaster County on US521/US601 south. There is currently no funding for this in the budget. He pointed out that similar signs are need at other entrance locations to the county.

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

### BILLBOARDS

Chris Karres briefly reviewed a draft of the proposed changes to the text of the UDO regarding billboards and gave Council a copy of he draft. He advised that he had incorporated the proposed changes agreed to between staff and representatives from one billboard company as well as changes the previous County Council wanted to see in the text. However, the Planning Commission agreed with the planning staff that the proposed changes to the text will increase the number of billboards in the Panhandle. Additionally, planning staff thought that the number of billboards in the county numbered 24. However, they learned that there are 44 billboards and several billboard companies operating in the county. He noted that he has asked the County Attorney, Mike Ey, to look into several legal questions staff had. He presented Council with the revised text and asked Council to be in touch with him to give them some direction and feedback as to how to proceed. No action was taken.

### AIRPORT WEST APRON EXPANSION

Steve Willis advised that the LPA Group found unsuitable material where the west apron expansion was to connect to the existing taxiway. The basic problem was that the material was over 30 years old and crumbling. The taxilane rehabilitation project scheduled for 2010 would eliminate this problem. However, in the short term, some of the taxilane material (approximately 138 square yards of crumbling asphalt) must be replaced in order to make a clean connection with the asphalt. The LPA engineer advised that this work would cost \$3,677 or \$1,471 if the county received the requested 60% FAA match which had been requested, but not as yet approved. This work was recommended by the LPA Group to make sure that the county does not have any surface water penetration of the subgrade on the new apron, which could lead to costly future repairs. The LPA Group has reviewed the cost and found them to be in line with expectations and recommended that the county proceed. Steve Willis recommended that the county accept LPA's recommendation and proceed using any remaining funding

from the west apron expansion project which, according to LPA, could come in under budget, use funds allocated for vehicle maintenance at the airport, and, if needed, the Contingency Fund if the FAA match is not approved.

MOTION was made by Rudy Carter to move this to an action item on the next agenda. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### ECONOMIC STIMULUS GRANT PROJECTS

Steve Willis presented Council with a list of projects to consider for the American Recovery and Reinvestment Act, known as the Stimulus Bill. He asked Council to review the list, which they then must approve and forward to the Catawba Regional Council of Governments. He noted that a few of the components appear to be formula driven, but the balance will be competitive grants and the county will need to work with the Catawba Regional Council of Governments to apply for available funding. Twelve projects were listed:

- 1) Construction of replacement of the Pleasant Valley Fire Station (\$2,500,000)
- 2) Construction of EMS station in Buford Community (\$650,000)
- 3) Construction of EMS station in Heath Springs Community (\$650,000)
- 4) Main Library renovations and expansion (\$7,300,000)
- 5) 14 convenience site renovations/land acquisition (\$7,000,000)
- 6) Construction of enclosed garages for two EMS stations (\$775,000)
- 7) Construction of EMS training facility (\$600,00)
- 8) Retrofitting truck bay ventilation systems in 19 vol fire departments and 4 EMS stations (\$345,000)
- 9) Bridge/Road Crossing/Intermodal Freight Facility combination (improvements on rail corridor adjacent to US521 between Lancaster and Kershaw) (\$11,000,000)
- 10) Construction of Gills Creek Drive bridge (\$1,100,000)
- 11) Construction of new airport terminal (\$1,500,000)
- 12) Westwood neighborhood water main project (\$561,000)

He asked Council to review these projects and to contact him should they have any other projects to add.

#### COMMITTEE REPORTS

There were no committee reports.

#### COUNTY ATTORNEY REPORT

The Attorney did not have a report.

#### SHERIFF'S OFFICE VEHICLES

Steve Willis had reminded Council that during the last meeting they had approved the Sheriff keeping two vehicles in his fleet for use by the School Resource Officers at Buford and Andrew Jackson. The request also included a request to earmark funds from the sale of the sheriff's vehicles for an inmate litter crew van, but Council did not take action on this portion of the request. This request was brought before Council again for action.

MOTION was made by Rudy Carter to earmark funds from the sales of Sheriff's vehicles for an inmate litter crew van. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### APPROVAL OF MINUTES

MOTION was made by Larry McCullough to approve the minutes of the January 26 and February 2, 2009, County Council meetings. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

#### BOARD & COMMISSION APPOINTMENTS

MOTION was made by Larry McCullough to appoint Mr. James Michael King, Jr., to an unexpired term on the Community Relations Commission representing District #1. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### RESOLUTION

MOTION was made by Kathy Sistare to adopt Resolution #679 congratulating the Lancaster County Parks and Recreation Under-15 All Star Soccer Players for winning the 2008 Under-15 SCAP South Carolina Soccer State Championship. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

#### ORDINANCE READINGS

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

MOTION was made by Larry McCullough to hold 3<sup>rd</sup> 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

##### Ordinance #972 – Suspension of Blue Laws

MOTION was made by Larry Honeycutt to hold 2<sup>nd</sup> reading of Ordinance #972 suspending through June 30, 2013, the application of Sunday Work Prohibitions as contained in State Law. SECONDED by Cotton Cole. PASSED 6-1. Opposed: Jack Estridge

##### Ordinance #973 taxes paid in error

Steve Willis noted that Council is authorized by state law to refund the county government portion of taxes for past years. He noted that Crenshaw Rentals paid property taxes on 507 West Hilton Street in the Town of Kershaw for tax years 2004 and 2005. This property was not owned by them pursuant to a bankruptcy order vacating the sale. The court order placed the property back into bankruptcy proceedings. State law requires a refund beyond a two year window to be by ordinance. Therefore, this ordinance will allow the county operating portion of the tax bill paid in error to be refunded to Crenshaw Rental. The refund would total \$285.12.

MOTION was made by Rudy Carter to hold first reading of Ordinance #973 authorizing the refund of the County Operating portion of tax bills paid in error. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #974 amend tax bills

Steve Willis advised that County Council must authorize the County Auditor to amend tax bills to reflect court orders in bankruptcy cases. Rather than coming before Council each time, the Auditor and Tax Collector have requested that Council adopt an ordinance which would give the Auditor permission to amend the tax bill when this occurs.

MOTION was made by Rudy Carter to hold first reading of Ordinance #974 authorizing the County Auditor to amend the tax bills as ordered by the court in bankruptcy cases. SECONDED by Larry Honeycutt PASSED UNANIMOUSLY 7-0

CEMENT PLANT UPDATE

Steve Willis presented Council with pictures of the four cement plants in Indian Land. He noted that it appears and one plant may be closed. Blue Dot has fully enclosed their mixing areas and have erected sheds where they store materials. All are designed to muffle sound. Concrete Supply has had a fully enclosed mixing area since they opened and he is unaware of any complaints involving them. Macleods is the original cement plant in the area and their loading area is under a shed, but is not enclosed by doors. Cemex has a covered area, but it is not enclosed with doors on the end. Therefore, all plants now have enclosures and two of the four are fully enclosed. Council accepted this as information.

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session to be briefed on a personnel matter and a contractual matter. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

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

As Council came out of executive session, Chairman Thomas advised that Council discussed a personnel issue and a contractual matter and no action would be taken as a result of executive session.

ADJOURNMENT

MOTION was made by Cotton Cole to adjourn. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0 The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 03-30-2009

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Larry Honeycutt, Secretary