

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

Tuesday, March 3, 2009

Chairman Thomas called the meeting to order on Tuesday, March 3, at 6:00 p.m. The meeting scheduled for Monday, March 2, was cancelled due to inclement weather. Larry Honeycutt 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, Mike Ey, Veronica Thompson, Chris Karres, Irene Plyler, Shawn Hanna, Darren Player, James Bennett, 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

MOTION was made by Rudy Carter to move Item 7(c), proposal from York Development Group, to executive session. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

MOTION was made by Rudy Carter that approval of two grant applications be added to the agenda. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

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

CITIZENS COMMENTS

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

Rev. Jerry Branham, 569 Monroe Hwy, pastor of Sunlight Church of the Nazarene, 286-0964, spoke in opposition to repealing the Blue Laws.

Dr. Brian Saxon, 5080 Carolina Creek Drive, pastor of 2nd Baptist Church, Lancaster, 283-2139, spoke in opposition to repealing the Blue Laws.

Emily Knight, 1963 Camp Creek Road, 286-9669, was the petitioner for the rezoning on Lynwood Drive. She told Council that she would like to place a mobile home on the property.

BONTERRA BUILDERS TIME EXTENSION

Chairman Thomas had asked during the last meeting that the request from Bonterra for an extension of time be placed on every agenda until some action is taken by Council. No action was taken this evening.

YOUTH FISHING RODEO FUNDING

Shawn Hanna from the SC Department of Natural Resources came before Council to again request Council's financial assistance for the 3rd annual fishing rodeo to be held at Sunrise Lake in the Pleasant Hill Community on May 30. He noted that in 2007, 250 children participated, but last year 800 children attended. They are anticipating a larger number this year. The rodeo is open to all children, free of charge, up to the age of 15. They are all given rods and reels, all are fed pizza, plaques are given to children with biggest and smallest fish for the day, and drawings are held for all children for prizes such as bicycles, fishing tackle, camping supplies, fishing licenses, etc. Council provided \$1500 last year and he asked whether they would be able to contribute the same amount this year.

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

PROPOSAL FROM YORK DEVELOPMENT

Moved to executive session.

MOTOROLA SERVICE CONTRACT

Steve Willis advised that the maintenance contract with the Motorola vendor on the Motorola equipment at the county's three tower sites (Pageland Highway, Kershaw-Camden Highway and Charlotte Highway) only covered radio equipment and not the generator transfer switches or generators, the Uninterrupted Power Supply units, nor the heating and air-conditioning (HVAC) system, which are all vital to the proper operation of the radio transmission sites. The full service contract will exceed the budget amount of \$8,952.80. He explained that he executed the agreement as it expired prior to the next Council meeting, but requested that Council approve this expense from the Contingency Account.

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

COMMITTEE REPORTS

There were no committee reports.

MONTHLY FINANCE REPORT

Veronica Thompson reviewed the finance report for month ending January 31, 2009. Council accepted the report as information.

COUNTY ATTORNEY REPORT

Mike Ey advised that he would have a report in executive session.

ELECTION COMMISSION

During the last meeting, Cassie Stump requested that funds be allocated to computerize the paper voter registration forms. 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 account for this purpose.

MOTION was made by Larry Honeycutt to authorize the contract to computerize the voter registration records and that the funding in the amount of \$8,952.80 for the remainder of this fiscal year be taken from the contingency account. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

SALARY SUPPLEMENTS FOR TREASURER AND AUDITOR

Steve Willis advised Council during the last meeting that it appeared that the legislature would not reinstate the salaries of the County Auditor and Treasurer in this fiscal year and requested that Council make up the cut salary supplements for 4 months (March, April, May and June, 2009) which would cost the county \$4,926.56. Steve Willis mentioned that the cost to the county increased from what was presented the prior week of \$3,741.60 because the month of April, which has 3 pay periods, was not taken into account. He recommended that funds be taken from the contingency account.

MOTION was made by Larry Honeycutt to approve funding the salary supplements for 4 months for the County Auditor and Treasurer. Funding totaling \$4,926.56 to come from the contingency account. Motion died for lack of a second.

HOPE OF LANCASTER

During the last meeting, a request was made to waive the \$255 rent HOPE is paying to the county until they move back to the facility.

MOTION was made by Cotton Cole to suspend from February 1 through July 31, 2009, the rent (\$255.00 per month) HOPE pays to the County. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

KERSHAW SIGN

During the last meeting, Steve Willis advised that the Kershaw Action Council and the Town of Kershaw are seeking the donation of the "Welcome to Lancaster County" sign located at the southern entrance to the Town of Kershaw. The Town would like to rework the sign into a "Welcome to the Town of Kershaw" sign since it is located at the entrance to the Town of Kershaw rather than the Lancaster County line.

MOTION was made by Rudy Carter to donate the sign located at the southern entrance to the Town of Kershaw to the Town of Kershaw. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

AIRPORT WEST APRON EXPANSION

During the last meeting, Steve Willis advised that the LPA Group found unsuitable material where the west apron expansion was to connect to the existing taxiway. Approximately 138 square yards of crumbling asphalt must be replaced in order to make a clean connection with the asphalt. 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, and the LPA engineer found that the cost of \$3,677 was in line with expectations and recommended that the county proceed. If the county receives the 60% FAA match, the county's portion would be reduced to \$1,471. 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 Account if the FAA match is not approved.

MOTION was made by Larry McCullough that the recommendation of the LPA Group be accepted and work be authorized to replace 138 square yards of existing taxilane adjacent to the west apron expansion project at a cost not to exceed \$3,677 (minus any FAA matching funds), with costs to be covered from existing airport funds in the west apron project and motor vehicle maintenance accounts, and the Contingency Account only if deemed necessary by the Finance Director. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

RESOLUTION #680 – FAIR HOUSING

MOTION was made by Larry Honeycutt to adopt Resolution #680 in support of Fair Housing. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

APPROVAL OF MINUTES

MOTION was made by Larry McCullough to approve the minutes of January 12, 2009, County Council meeting. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

BOARD & COMMISSION APPOINTMENTS

MOTION was made by Larry McCullough to appoint David A. "Tony" Carnes to an unexpired term on the Pleasant Valley Fire District Board. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

AIRPORT GRANT

Steve Willis advised that the FAA Atlanta Office recently notified the Lancaster County Airport that they had been approved for \$1,210,803 in Part A funding for the rehabilitation of the airport runway. This was a \$3 million project. The balance of the funding is anticipated when the Part B funds are released by Congress. The work would completely rehabilitate the 6,000 foot runway. He requested Council's approval to submit and accept the FAA Grant in the amount of \$1,210,803 (95%). This grant will be matched by \$31,863 (2.5%) local funding and \$31,863 (2.5%) from the State Aeronautics Commission. He advised that when the Part B funding is received, the local match should be in the \$50,000 to \$55,000 range.

MOTION was made by Rudy Carter to submit and accept the FAA Grant in the amount of \$1,210,803, with a local match of \$31,862, and approve the local match of \$50,000 to \$55,000 when the Part B funding is received. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

FIREFIGHTERS ASSISTANCE GRANT

Steve Willis advised that the Fire Service would like to apply for a Firefighter Assistance Grant for supplies and equipment to outfit the Arson Investigator applied for by the Sheriff's Office. The grant application deadline is March 6. It is an 80% federal grant with a 20% local match of \$14,414.98. The grant could be awarded this summer if applied for at this time.

MOTION was made by Larry Honeycutt to authorize the Fire Service to apply for the Firefighter Assistance Grant. SECONDED by Kathy Sistare. PASSED 6-0. Fred Thomas absent during vote.

ORDINANCE READINGS

Ordinance #972 – Suspension of Blue Laws

MOTION was made by Larry Honeycutt to hold 3rd 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

MOTION was made by Rudy Carter to hold 2nd reading of Ordinance #973 authorizing the refund of the County Operating portion of tax bills paid in error. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

Ordinance #974 amend tax bills

MOTION was made by Cotton Cole to hold 2nd 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

Ordinance #975 rezone property on Lynwood Circle

Chris Karres advised that Emily Knight applied to rezone property located on Lynwood Circle from R-15 to R-15S in order to place a single or doublewide mobile home on the property. The property is currently vacant. He noted that the area on Lynwood Circle is designated as high density residential on the future land use map. The land use map does not differentiate between site built homes and mobile homes. The planning staff recommended approval. The Planning Commission recommended approval by a vote of 4-2.

MOTION was made by Rudy Carter to hold first reading of Ordinance #975 rezoning property petitioned by Emily Knight located on Lynwood Circle (Tax map 87G, Block F, Parcel 22.01) from R-15 Moderate Density Manufactured Housing/Agricultural District to R-15S Moderate Density Residential/Agricultural District. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #976 rezoning property on Possum Hollow Road

Chris Karres advised that Braj Lal (LMS Properties) applied to rezone property located on Possum Hollow Road in Indian land from R-15S to R-15 in order to develop a residential subdivision on the property. It was noted that the development agreement for LMS Properties had already been approved by Council last year. The property is mostly vacant with abandoned single-family homes. He noted that this rezoning would not comply with the future land use map for the area, therefore, planning staff recommended denial. He explained that two years ago, the County rezoned all the R-15 and R-30 properties in the panhandle to R-15P and R-30P, which allowed only 1.5 units per acre instead of 2.5 units per acre. Staff felt that it would be very counterintuitive to rezone this property back to the R-15 zoning classification. The Planning Commission recommended denial by a vote of 6-0.

MOTION was made by Rudy Carter to hold first reading of Ordinance #976 rezoning property petitioned by Braj Lal located on Possum Hollow Road (Tax map 10, Parcels 39, 40, 41, 41.03, 41.04, 41.05, and 42) from R-15S Moderate Density Residential/Agricultural District to R-15 Moderate Density Manufactured Housing/Agricultural District. SECONDED by Rudy Carter. PASSED 6-1. Opposed: Larry McCullough

Ordinance #977 – Energy Savings Contract

MOTION was made by Rudy Carter to hold first reading of Ordinance #977, by title only, authorizing and providing for the execution and delivery of a guaranteed energy savings contract between the county and Energy Systems Group, LLC; authorizing and approving the financing thereof in an amount not exceeding \$1,600,000; authorizing the County Administrator to determine certain matters relating to the contract and the financing; and other matters relating thereto. SECONDED by Kathy Sistare. PASSED 6-1. Opposed: Larry McCullough. Mr. McCullough asked that Mr. Bennett provide additional savings information prior to second reading.

EXECUTIVE SESSION

MOTION was made by Rudy Carter to go into executive session to be briefed on economic development issues. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

MOTION was made by Larry Honeycutt to go out of executive session and back into regular session. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

As Council came out of executive session, Chairman Thomas advised that Council was brief on economic development issues and no action would be taken as a result of executive session.

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 03-30-2009

Larry Honeycutt, Secretary