

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

March 30, 2009

Chairman Thomas called the meeting to order on Monday, March 30, at 6:00 p.m. Kathy Sistare 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, Chris Karres, Irene Plyler, Grazier Rhea, Elaine Boone, Penelope Karagounis, Jay Rainey, Eric Rowell, Janet Martini, Kenneth Cauthen, Keith Tunnell, Waylon Wilson, 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.

Chairman Thomas welcomed Thelathia Bailey and her Introduction to Public Administration Class from USC-L.

AGENDA APPROVAL

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

PUBLIC HEARING

Grazier Rhea explained what the Community Development Block Grant program was and advised that in order to apply for CDBG funds, Lancaster County must complete a Needs Assessment and hold a Needs Assessment public hearing, which was being held this evening. She reviewed the prioritized community needs for 2008, which could be used as a guide to identify community needs for 2009, and asked whether County Council had anything else to add to the list, especially as they relate to the low and moderate income persons in Lancaster County. She would like to have the list finalized at the next County Council meeting. She also reviewed the 2007 Catawba Regional Planning Grant which was funded with Community Development Block Grant funds. She reminded Council that Lancaster County acted as the lead county for Chester, Lancaster, Union and York Counties for this grant. She then went over the programs that Lancaster County could apply for this year

MOTION was made by Larry McCullough to go into public hearing to solicit input from the public on community needs and priorities for housing, public facilities, and economic development that will benefit persons of low and moderate income. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

There were no comments made.

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

CITIZENS COMMENTS

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, urged County Council to do a comprehensive nuisance ordinance for Lancaster County and not just a noise ordinance.

HEALTH & WELLNESS COMMISSION

Sally Sherrin, a member of the Health & Wellness Commission, spoke in the absence of Bob Duffel-Hoffman, who had to leave to attend a prior commitment. She explained that the Health & Wellness Commission sponsored an essay contest dealing with smoking in public facilities. She introduced the winner of the contest, Hope Jewett a 7th grader from Buford Middle School, who read her winning essay.

SEE LANCASTER

Jay Rainey, Task Force Chairman, and Eric Rowell, Board Chairman, from See Lancaster reviewed proposals to restructure the See Lancaster organization. They met with the City of Lancaster on March 10 and wanted to submit the same proposals to Lancaster County Council. Three proposals were submitted for council's consideration. Proposal #1 left the organization as it is, but revised the mission statement and scope of work. Proposal #2 transferred the Welcome Center function and employee to Lancaster County and located the Center in the renovated County courthouse. The remaining functions would be controlled and supervised by the City of Lancaster. Proposal #3 was the same as proposal #2, but added the Performing Arts Series. Proposal #4 was to discontinue funding See Lancaster. The City of Lancaster voted on proposal #3.

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

Larry McCullough asked what measures would be put into place to make sure this is successful. He asked that this information be provided before a decision is made by County Council.

KEYSTONE SUBSTANCE ABUSE LETTER

Janet Martini, Executive Director of Keystone, asked Lancaster County to sign a letter of support for a grant application to the Sims Foundation for fiscal year 2009-2010.

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

GLEN LAUREL SUBDIVISION ROADS

Brian Scott, 5040 Reagan Lane, Fort Mill, a member of the Glen Laurel Homeowners Association, asked Council to accept the roads in the Glen Laurel Subdivision into the county road system. Steve Willis advised that the Public Works Department has inspected the roads and recommend that Council not accept them based upon their condition; however, this recommendation would change if the roads received one-inch of asphalt overlay. Steve Willis advised that Glen Laurel is covered by a PDD wherein Council agreed to accept the roads into the county road system but only if, at the time of

acceptance, Council formally votes to accept them. It was noted that road standards have changed since the time that PDD was approved, and that they did meet the specifications at that time. Steve Willis noted that in July of 2008, a request was made by Rolin Choate to accept these roads, but Council denied the request. A lengthy discussion was held. There was a question of who owned the road. Steve Willis was asked to find out who actually owns the road before the next meeting. Frannie Heizer advised that the person giving the deed to the county must have marketable fee simple title and a letter from an attorney.

MOTION was made by Larry McCullough to move this to an action item on the next agenda. SECONDED by Larry Honeycutt. PASSED 4-3. For: Larry McCullough, Larry Honeycutt, Rudy Carter, Fred Thomas. Opposed: Jack Estridge, Kathy Sistare, Cotton Cole.

YORK DEVELOPMENT GROUP – ROY HARDIN PARK

Steve Willis furnished to County Council a proposal to trade 9.9 acres of land for 4.9 acres (Roy Hardin Park). He noted that a proposed ordinance will be included in Council's next agenda for first reading which will be along the lines of an agreement with York Development Group to transfer property upon completion of the proposed replacement of Roy Hardin Park.

DAVE LYLE BOULEVARD PROJECT

Steve Willis informed Council that the final report on the feasibility study for the potential expansion of Dave Lyle Boulevard was released Friday, March 20. He requested approval to include Lancaster County as a joint applicant with York County for funding through the State Infrastructure Bank, as neither Lancaster County nor York County have funding for such a project. He stated that it was noted during the presentation that this project would compete on its own merits and not as a competition to other highway projects such as SC5, because those projects are not candidates for State Infrastructure Bank funding (highway projects in excess of \$100 million and affecting 2 or more counties). A resolution from the Catawba Indian Nation supporting the application was included in Council's agenda. It was pointed out that the application to the State Infrastructure Bank would not commit Lancaster County to any financial participation should the project be approved.

MOTION was made by Larry Honeycutt to move this to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED 5-2. Opposed: Jack Estridge, Cotton Cole

RECESS

MOTION was made by Larry Honeycutt to recess for 10 minutes. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

VETERANS AFFAIRS RECORDS

Steve Willis advised that Clerk of Court Jeff Hammond has requested that the Veterans' Affairs records be transferred from his custody to that of the Veterans' Affairs Officer. According to State Code, County Council approval is necessary.

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

PATROL VEHICLE

Steve Willis advised that a patrol vehicle was damaged a few months back and the county's insurance carrier settled the claim in the amount of \$15,759. He requested permission to utilize \$13,000 in patrol vehicle acquisition funds to go with the insurance settlement and replace the wrecked car. He noted that this is funding that council already approved for acquiring new patrol vehicles, but which was not used because Purchasing was able to obtain better pricing than anticipated through fleet purchasing.

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

OUTDOOR ADVERTISING SIGNS

Chris Karres reminded Council that during the February 13 County Council meeting, Council had asked him to return and give them a history of the changes to the regulations governing outdoor advertising signs (billboards). He advised that approximately one year ago, an outdoor advertising company asked that regulations for electronic changeable face signs be added to the UDO. They also wanted to add regulations to cap the number of signs at the current number, which is currently 44, and allow signs in one part of the county to be moved to another part of the county as long as the number of signs never increased beyond 44. In addition, the company wanted the section dealing with nonconforming signs to be deleted as the present regulations require that nonconforming outdoor advertising sign become conforming within 5 years of the adoption of the regulations. The regulations were adopted in 2001. They also asked that the zoning districts in which outdoor advertising signs are allowed be expanded from only being allowed in the I-1 and I-2 zoning districts to include B-3 and B-4. He noted that changing these regulations would increase the likelihood that outdoor advertising signs would be located in the Panhandle. He advised that the planning staff has worked with a representative from the company to modify the submitted changes. He included in Council's agenda the proposed changes agreed to between staff and representatives from the billboard company as well as changes the previous council wanted to see in the text.

He noted, however, that the changes were reviewed with the Planning Commission and they agree with staff that the proposed changes to the text will increase the number of billboards in the Panhandle and more outdoor advertising signs could be located on Highway 160 and Highway 521. The Planning Commission was also concerned as to how new outdoor advertising sign companies would be dealt with that may want to locate in the county in the future if the number of signs is capped at 44 and all of the signs are spoken for by the current sign companies.

The planning staff brought this to the new Council to receive some direction and feedback from them as to how to proceed, since the comments from the Planning Commission are very different than those received from the previous County Council.

County Council advised Chris Karres to ask the Planning Commission for a recommendation of what they would like to see approved. Larry McCullough asked for a strategy for the next 5-10 years for billboards and costs associated with them before he can make a decision concerning billboard regulations.

ABANDONED MOBILE HOMES

Waylon Wilson came before Council to discuss the abandoned trailers and trash on the property near the intersection of Highway 521 and Doby's Bridge Road across the highway from the Indian Land schools. He felt that this was a nuisance and cannot understand why the county cannot remove and

demolish the buildings and bill the owner. Kenneth Cauthen from the Building & Zoning Department advised that they have been working with the owner and had given them until March 31 to remove all the mobile homes, which has not been as yet completed. However, they have slowly been moving them out. It was found during discussion that the owner of the property is the York Development Group, which is the same group the county is dealing with concerning the exchange of land for the park in Indian Land. A lengthy discussion was held. It was the consensus of Council that first reading of the land exchange for the Roy Hardin Park would not be held until the trailers are removed. Council instructed Steve Willis to contact the York Development Group and handle the matter.

COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

Frannie Heizer advised that he would have a report in executive session.

BONTERRA BUILDERS TIME EXTENSION

Chairman Thomas had asked that the request from Bonterra for an extension of time be placed on every agenda until some action is taken by Council. Frannie Heizer, the County Attorney advised Council to take no action this evening. She noted that the development agreement would allow an extension of 5 years, not 6 years as they have requested. She will be contacting Bonterra concerning this, but informed council that no action by Council would allow the development schedule to be extended for 5 years. No action was taken.

YOUTH FISHING RODEO FUNDING

Shawn Hanna from the SC Department of Natural Resources came before Council during the last meeting 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. Council provided \$1500 last year and he asked whether they would be able to contribute the same amount this year.

MOTION was made by Larry McCullough to fund \$1500 to the SC Department of Natural Resources for the annual children's fishing rodeo. Funds to come from the General Fund. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

MOTOROLA SERVICE CONTRACT

Steve Willis advised during the last meeting that there was a shortfall of \$8,952.80 to cover the full-service maintenance contract with the Motorola vendor on the Motorola equipment at the county's three tower sites and requested that Council approve this expense from the Contingency Account.

MOTION was made by Rudy Carter to take \$8,952.80 from the contingency account to cover the shortfall on the full-service maintenance contract with the Motorola vendor. SECONDED by Larry Honeycutt. PASSED 5-2. Opposed: Cotton Cole, Jack Estridge

APPROVAL OF MINUTES

MOTION was made by Larry Honeycutt to approve the minutes of February 23, March 3, and March 18, 2009, County Council meetings. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

RESOLUTIONS

MOTION was made by Larry McCullough to adopt Resolution #681 opposing any Act of the General Assembly which would transfer additional tax burdens to the property owners of Lancaster County. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0:

MOTION was made by Larry Honeycutt to adopt Resolution #682 proclaiming April as Child Abuse Prevention and Awareness Month and April 1 as Guardian Ad Litem Child Advocate Day. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

BOARD & COMMISSION APPOINTMENTS

MOTION was made by Larry Honeycutt to appoint the following:

- George Kennington to an unexpired term (6/30/2009) on the Lancaster County Board of Zoning Appeals representing District #4,
- Buddy Lever as Council's appointee on the Fire Code Appeals Board (term to expire June 30, 2009),
- Monty Craig to an unexpired term (6/30/1010) on the Farmers Market Commission representing District #3,
- Willard Knight to a 1-year term expiring 6/30/2009 on the Fire Code Appeals Board,
- Billy Snipes to a 2-year term expiring 6/30/2010 on the Fire Code Appeals Board,
- Tommy Carter to a 3-year term expiring 6/30/2011 on the Fire Code Appeals Board,
- Tim Deaton to a 4-year term expiring 6/20/2012 on the Fire Code Appeals Board.

SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

ORDINANCE READINGS

Consent Ordinances

MOTION was made by Rudy Carter to adopt the consent ordinances as follows. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #973 – 3rd reading to refund the County Operating portion of tax bills paid in error.

Ordinance #974 – 3rd reading authorizing the County Auditor to amend the tax bills as ordered by the bankruptcy court.

Ordinance #975 – 2nd reading - amending the county zoning map, specifically property petitioned by Emily Knight located on Lynwood Circle (tax map 87G, block F, parcel 22.01) from R-15 Moderate Density Residential/Agricultural District to R-15S Moderate Density Manufacturing Housing/Agricultural District.

Ordinance #976 rezoning property on Possum Hollow Road

MOTION was made by Rudy Carter to hold 2nd 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 UNANIMOUSLY 7-0

Ordinance #977 – Energy Savings Contract

MOTION was made by Rudy Carter to hold 2nd reading of Ordinance #977, 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 \$1,750,000; authorizing the County Administrator to determine certain matters relating to the contract and the financing; and other matters relating thereto. SECONDED by Kathy Sistare.

MOTION was made by Cotton Cole to table this until we find out whether we can get the stimulus money. SECONDED by Jack Estridge. DEFEATED 1-6. For: Jack Estridge

Original Motion PASSED 5-2. Opposed: Jack Estridge, Cotton Cole.

Ordinance #978 – rezoning 914 Juneau Road

Penelope Karagounis advised that Tammy Kirk applied to rezone 914 Juneau Road from R-30 to R-30S in order to place a singlewide mobile home on the vacant property. The future land use map designates this area as low density residential which does not distinguish between site-built and manufactured homes. There are mobile homes in the area. The planning staff recommended approval. The Planning Commission recommended approval by a vote of 5-1.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #978 amending the county zoning map, specifically property petitioned by Tammy Kirk located at 914 Juneau Road (tax map 79P, Block A, Parcel 4.01) from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

Ordinance #979

Elaine Boone advised that Haile Gold Mine Inc. applied to amend the UDO in order to delete the section regarding Mining and Extraction operations as a special exception in Chapter 4, Section 4.2.4, and to add a new Section 4.1.29 to Chapter 4 to make mining and extraction operation a conditional use in the I-2 district. Mining is not a permitted use within any zoning district in Lancaster County. Without the text amendment, Haile Gold Mine would not be able to expand their mining operation in Lancaster County. The Planning Commission recommended approval by a vote of 6-0.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #979 amending the UDO, petitioned by Haile Gold Mine, Inc. specifically deleting Section 4.3.4 Mining and Extraction Operations, in Chapter 4, which would delete Mining and Extraction Operations as a special exception and adding Section 4.1.29 to Chapter 4 to make Mining and Extraction Operations a Conditional Use. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #980

Elaine Boone advised that Haile Gold Mine, Inc., applied to rezone property located on Haile Gold Mine Road and Gold Mine Highway east of Kershaw from R-45A to I-2. She noted that the applicant currently operates under a non-conforming status which would not allow any expansion of the mine. The planning staff recommended approval and the Planning Commission recommended approval by a vote of 6-0.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #980 amending the county zoning map, specifically property petitioned by Haile Gold Mine, Inc. located on Haile Gold Mine Road and Gold Mine Highway (tax map 141, parcel 09, tax map 140, parcel 01, tax map 136, parcels 37 and 38, tax map 141, parcels 07 & 9.01) from R-45A Rural Residential Intense Agricultural District to I-2 Heavy Industrial District. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #981

Elaine Boone advised that the Planning Commission voted 7-0 to recommend that County Council amend Chapter 5, Density and Dimensional Regulations, Section 5.2, Residential Density, by adding the definition for Primary Residence with Accessory Apartments under section 5.2. The definition is currently in Chapter 19, but staff and the Planning Commission felt it should also be located in Chapter 5.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #981 amending the UDO, Chapter 5, Density and Dimensional Regulations, Section 5.2, Residential Density, by adding the definition for Primary Residence with Accessory Apartment. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Rudy Carter to go into executive session to receive a legal briefing from the county attorney, to discuss a contractual matter and economic development matters. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

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

As Council came out of executive session, Chairman Thomas advised that Council went into executive session concerning 3 matters – economic development, contractual matter, and a legal briefing. Steve Willis then advised that a proposal was received from Andrew Smith concerning purchase of property in the Heath Springs Industrial Park and Chairman Thomas asked for a motion concerning this request. The issue died for lack of a motion. No other actions were 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 10:00 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 04-27-2009

Larry Honeycutt, Secretary