

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

April 27, 2009

Vice Chairman Rudy Carter called the meeting to order on Monday, April 27, at 6:00 p.m. Jack Estridge offered the invocation.

County Council members present were Vice-Chairman Rudy Carter, Secretary Larry Honeycutt, Jack Estridge, Kathy Sistare, Larry McCullough, and D. W. Cotton Cole. Fred Thomas was not in attendance due to a death in his family. Also present were Steve Willis, Mike Ey, Chris Karres, Irene Plyler, Bill Ardrey, Keith Tunnell, Gary Reader, 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

Larry Honeycutt asked that one item dealing with a legal matter be added to executive session.

MOTION was made by Larry Honeycutt to approve the agenda as amended. SECONDED by Kathy Sistare. PASSED 6-0.

EMPLOYEE OF THE QUARTER

Vice Chairman Rudy Carter recognized Lisa Robinson, HR Director, for being chosen by her peers as employee of the 2nd quarter and presented her with a plaque.

RESOLUTION #684 – A. R. Rucker Middle School

MOTION was made by Larry McCullough to adopt Resolution #684 recognizing A. R. Rucker Middle School for its accomplishment in becoming IBMYP (International Baccalaureate Middle Years Programme) Certified. SECONDED by Cotton Cole. PASSED 6-0

CITIZENS COMMENTS

Jane Massey, P.O. Box 3, Van Wyck, 803-285-6444, asked Council to be careful about rezoning key land on Highway 521 south of Hwy 75 near the Andrew Jackson State Park, as that is the only state park in Lancaster County and properties near this park should be kept residential. She also commented on the trade of 9 acres for 4 acres on the Roy Hardin Park exchange. Felt that the people of this county are being short changed as the park is being downsized.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, commented on the list of highway projects and specifically the Dave Lyle Blvd. extension. There would be no exits from this road in Lancaster County except when it reaches Highway 521 so there will be no business growth along this road in Lancaster County. Feels this road will funnel Lancaster County traffic to York County so it would not be in the best interest of Lancaster County to extend it. Widening Highway 5 to 4 lanes is also on the list, but it was promised by DOT over 50 years ago that it would be widened and Lancaster County is still waiting. Feels the county should be skeptical of DOT.

SOIL & WATER CONSERVATION DISTRICT

Bill Ardrey Chairman of the Conservation District Board, presented their annual report for 2008. Council accepted this as information.

KERSHAW INDUSTRIAL PARK

Keith Tunnell and Project Manager Gary Reader presented Council with the status of the Kershaw Industrial Park. The first phase of the program, which was site certification from the state, should be completed by the end of May and they will then be ready to move forward with development. They noted that no environmental issues were found on the site. Gary Reader advised that a civil engineer should be on board by June 1 and, hopefully, they'll be moving dirt sometime this fall. Keith Tunnell advised that this will be the 3rd certified site in Lancaster County.

STATUE ON COURTHOUSE GROUNDS

Dr. John Griffin presented a proposal to Council to place a bronze statue of Astronaut Charles Duke somewhere on the courthouse grounds. He felt that Gen. Duke should receive some special recognition since he is a Lancaster County native who has walked on the moon. He estimates the cost to be between \$59,000 and \$100,000. He made several suggestions for funding and would be glad to be part of a committee to raise funds for the statue. It was the consensus of Council that this seemed like a good idea and Vice-Chairman Carter advised that this would be further discussed.

COST FOR LARGE PLATS

Steve Willis advised that the Register of Deeds has requested that the charge for recording plats larger than 11x17, which cannot be scanned, be increased from \$10.00 to \$15.00, which will allow the county to have the plat imaged and placed on their current public records so that it is viewable and printable and a record maintained digitally. In addition, they are requesting that 3 copies be furnished as there have been several instances where the plats have gone missing due to citizens, attorneys, abstractors, surveyors, etc., being unable to make copies of this size, which leaves the county with only the Assessor's Office copy. Steve Willis was asked to get the actual cost to the county for recording larger plats before the next meeting, as some Council members felt that \$15.00 may not cover the entire cost. The increase in the fee will be included in next year's budget, which Council will approve at a later time.

CATAWBA REGIONAL COUNCIL OF GOVERNMENTS GRANTS

Steve Willis advised that the Catawba Regional Council of Governments has approached Lancaster County about serving as the agency of record for their next round of COG Planning Grants. These grants are used by all of the governments in the COG, but must be applied for by one governmental agency. Lancaster County served as the agency of record for the past several years.

MOTION was made by Larry Honeycutt to move this to an action item on the next agenda. SECONDED by Cotton Cole. PASSED 6-0.

AMBULANCE FRANCHISE REQUEST

Steve Willis advised that a request has been received from American Transmed, Inc., for a 3-year private ambulance franchise in Lancaster County. The franchise application fee of \$100 has been paid and all required documentation has been received. This would not be in competition with Lancaster County EMS as this would be for non-emergency transport only, unless assistance is requested by EMS. This would be the second private ambulance franchise in Lancaster County. Even though this company's liability insurance on their certificate was \$1 million and \$4 million, some council members felt that the

liability insurance coverage requirement in Sec. 15-46 of \$100,000 and \$500,000 in the franchise agreement should be increased.

MOTION was made by Cotton Cole to amend Section 15-46 (Ordinance #313) to increase to \$1 million the liability insurance requirement (bodily injury or death, property damage resulting from any one accident, and for all other types of liability) in the franchise agreement. SECONDED by Kathy Sistare. PASSED 6-0.

MOTION was made by Larry McCullough to move this to an action item on the next agenda. SECONDED by Larry Honeycutt.

IDENTITY THEFT PREVENTION - RED FLAG POLICY

Steve Willis advised that the Association of Counties has recommended that all counties adopt a county-wide Identity Theft Prevention Policy by May of 2009. He presented Council with the SCAC model policy which was modified for Lancaster County. He advised that John Lane would be the identity theft "Red Flag" manager.

MOTION was made by Kathy Sistare to move this to an action item on the next agenda. SECONDED by Larry McCullough. PASSED 6-0.

INVOCATION POLICY

Steve Willis advised that the State Legislature passed Section 6-1-160 with regard to counties establishing an invocation policy for open public meetings. He stated that Lancaster County is following state law, but does not have a written policy. A sample policy was included in Council's agenda. He noted that the County Attorneys are reviewing what other counties they represent have done and will be reporting on this in the near future. This was taken as information.

SHERIFF'S OFFICE GRANTS

Steve Willis advised that Sheriff Faile wanted Council to be aware that they had applied for four grants, none of which required an initial year local cash match. However, several would have a budgetary impact in future budget years as the personnel and operating costs begin to be absorbed by the county for these projects. The grants were: Street Crime Unit \$621,237; Drug Analyst and Laboratory \$286,351; Remote AFIS Workstation \$116,983; and COPS (8 officers) \$1,196,514. He noted that the Sheriff was aware that there was no guarantee that if any of these grants were awarded, that any personnel would be picked up in the budget once the grants decline in 2 and 3 years. No action was requested. This was accepted as information only.

MADE IN USA RESOLUTION

Discussion was postponed to the next meeting when Chairman Fred Thomas would be in attendance.

COMMITTEE REPORTS

Larry Honeycutt informed council members that he plans to start meeting to discuss a nuisance ordinance next week.

COUNTY ATTORNEY REPORT

Mike Ey did not have a report in open session.

PRIORITIZED COMMUNITY NEEDS

MOTION was made by Larry Honeycutt to adopt the list entitled Lancaster County Prioritized Community Needs – March 2009, identified as the needs during the March 30 hearing held by the Catawba Regional Council of Governments and which would affect low and moderate income persons in Lancaster County. SECONDED by Cotton Cole. PASSED 6-0.

The needs identified were:

- Neighborhood revitalization activities in the Brooklyn Avenue Neighborhood, Midway area, Dobson School area, and Kershaw Mill area;
- Upgrade water and sewer services for low and moderate income areas, including the Westwood area;
- Continue to provide safe and decent affordable housing for the Kershaw East Mill Village;
- Replace with a permanent structure the mobile unit that serves as the EMS station in Heath Springs;
- Extend water and sewer services to low and moderate income areas not served;
- Improvements to Highway 521 from the City towards Heath Springs and Kershaw;
- Promote economic development and job creation through provision of infrastructure to potential and expanding businesses and industries;
- Locate social service agency facilities in the northern panhandle, which would eliminate the need for driving into the City of Lancaster.

TRANSPORTATION IMPROVEMENT PROGRAM

Steve Willis reminded Council that it was time to recommend road segments for inclusion in the Catawba Regional Council of Governments Transportation Improvement Program, which is a regional listing compiled by the COG and helps SCDOT set priorities for projects. The priority lists of eligible construction projects presented to Council for consideration included:

- State Infrastructure Bank funds (Dave Lyle Boulevard extension),
- from TIP funds (non-SIB eligible) (four lane SC160 to Fort Mill, SC5 to SC21 interchange, SC9 from 521 to SC522, US521 to Camden, SC903 to SC151 intersection),
- from TIP resurfacing/intersection enhancement projects (SC522 turning lanes for Buford Schools and US521 turning lanes for AJ Schools).

MOTION was made by Larry Honeycutt to approve the priority list as written with the addition of the Intersection of SC 157 (Marion Street) and SC 341 (Minor Street) in the Town of Kershaw, and the Intersection of US 521 Business/ US 601 (Hampton Street) and US 601 (Hilton Street – US 601 turns east at this intersection) in the Town of Kershaw. SECONDED by Cotton Cole. PASSED 6-0.

APPROVAL OF MINUTES

MOTION was made by Larry Honeycutt to approve the minutes of the March 30 and April 6, 2009 County Council meetings. SECONDED by Jack Estridge. PASSED 6-0.

BOARD & COMMISSION APPOINTMENTS

MOTION was made by Larry Honeycutt to appoint Tommy Myers to an unexpired term on the Lancaster County Library Board representing District #4. His term to expire June 30, 2011. SECONDED by Jack Estridge. PASSED 6-0. PASSED 6-0.

MOTION was made by Cotton Cole to reappoint Ruth Parker to a 4-year term on the Lancaster County Planning Commission representing District #3. SECONDED by Larry Honeycutt. PASSED 6-0.

MOTION was made by Cotton Cole to appoint Odell Parker to an unexpired term on the Lancaster County Community Relations Commission representing District #3. SECONDED by Larry McCullough. PASSED 6-0.

MOTION was made by Larry Honeycutt to appoint Suzanne Lever to a 4-year term on the Lancaster County Library Board filling the at-large seat. SECONDED by Cotton Cole. PASSED 6-0.

MOTION was made by Larry Honeycutt to reappoint Don Brouwer to a 4-year term on the Lancaster County Board of Zoning Appeals representing District #4. SECONDED by Kathy Sistare. PASSED 6-0.

MOTION was made by Larry Honeycutt to reappoint Willard Knight and Buddy Lever to 4-year terms on the Lancaster County Fire Appeals Board. SECONDED by Cotton Cole. PASSED 6-0.

MOTION was made by Larry Honeycutt to appoint Michael W. Gardner, Stacy L. Roberts, Mark A. Rollins, Mark E. Truesdale, and Brian Stogner to 4-year terms on the Lancaster County Fire Commission. SECONDED by Cotton Cole. PASSED 6-0.

ORDINANCE READINGS

Consent Ordinances

MOTION was made by Jack Estridge to adopt the consent ordinances as follows. SECONDED by Kathy Sistare. PASSED 6-0.

Ordinance #978, 3rd reading rezoning property petitioned by Tammy Kirk located at 914 Juneau Road (tax map 79P, block A, parcel 4.01) from R-30 to R-30S

Ordinance #979, 3rd reading, 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.

Ordinance #980, 3rd reading, 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

Ordinance #981, 3rd reading, amending the UDO, Chapter 5, Density and Dimensional Regulations, Section 5.2, Residential Density, by adding the definition for Primary Residence with Accessory Apartment.

Ordinance #983, 2nd reading, establishing the office of Register of Deeds in Lancaster County and matters pertaining thereto

Ordinance #982 Exchange of Property (Roy Hardin Park) –debate suspended

Steve Willis advised that the Joint Recreation Commission felt that they still did not have enough information to make a recommendation to County Council on the matter of the exchange of property.

MOTION was made by Cotton Cole to suspend debate on 2nd reading of the Ordinance #982 approving the exchange of a portion of Roy Hardin Park consisting of approximately 9.9 acres of real property owned by Lancaster County for 4.9 acres of real property located on Shelly Mullis Road under contract by York Development Group, LLC, until the May 18, 2009 meeting. SECONDED by Larry Honeycutt. PASSED 6-0

Larry Honeycutt commented that he felt that the new park should be built before transferring ownership of the present Roy Hardin Park so that the citizens in Indian Land are not left without a park facility.

Ordinance amending the County Code Section 22-2 Grass and Weeds - **tabled**

Steve Willis advised that the issue pertaining to this section of the code arose during the recent discussion of the mobile homes near Doby Bridge Road. This section should have been amended when the International Property Maintenance Code was adopted. This proposed ordinance would eliminate sections that are duplications in the IPMC and establish a grass/weed height which is left up to each local jurisdiction under the IPMC. Council had some concerns about the specific grass height in various parts of the county and some questions about the International Property Maintenance Code on highway rights of way.

MOTION was made by Cotton Cole to table first reading. SECONDED by Jack Estridge. PASSED 5-1. Opposed: Rudy Carter

EXECUTIVE SESSION

MOTION was made by Larry Honeycutt to go into executive session concerning an economic development matter and a personnel issue. SECONDED by Cotton Cole. PASSED 6-0

MOTION was made by Cotton Cole to go out of executive session and back into regular session. SECONDED by Kathy Sistare. PASSED 6-0

As Council came out of executive session, Vice-Chairman Carter announced that Council went into executive session to be briefed on economic development and personnel issues. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made by Cotton Cole to adjourn. PASSED 6-0. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 5-18-2009

Larry Honeycutt, Secretary