

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

May 4, 2009

Chairman Fred Thomas called the meeting to order on Monday, May 4, at 6:00 p.m. Larry McCullough offered the invocation.

Chairman Thomas asked the boy scouts who were in attendance to lead Council in the Pledge of Allegiance.

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, Chris Karres, Veronica Thompson, Irene Plyler, James Bennett, 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

Cotton Cole asked that a personnel issue be added to executive session.

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

SPECIAL RECOGNITIONS

Chairman Thomas welcomed Troop 275 from the Belair United Methodist Church in Indian Land to the Council meeting. They were attending as part of the requirements of a badge they were working on.

Chairman Thomas presented seven boy scouts with proclamations honoring them for achieving their Eagle Scout award. Charles John "Chad" Dicola, son of EMS employee Darlene DiCola, and Andrew Blake Phillips, Cameron Bradley Drye, Dylan Clay Hammond, Mark Edward Pittman, Jr., William Edward Robinson, Zachary Hunter Blackwell.

CITIZENS COMMENTS

Winston Smith, 1820 Havenwood Drive, asked Council to be creative in raising money to balance the budget. He did not feel that they would have to create a new tax or a new license to accomplish this.

Jim King, 1650 Steele Hill Road, 704-685-1696, a member of the Community Relations Commission, wanted to spread the word about what that commission is all about and what they do to serve the citizens of Lancaster County. He welcomed everyone to attend their meetings.

Thomasina Tyler, 315 Old Camden Road, 285-2337, spoke about the possible rezoning on Plyler Road, which adjoins her property. The applicants want to place a trailer on that property. She felt that this would bring down the value of their property. She asked Council to deny this request.

Laverne Blackmon, 374 Old Camden Road, 285-3752, also was opposed to the possible rezoning on Plyler Road. She lives down the road from that property. At this time, there is no crime in that area and the majority of the people who live in that area are family.

James Guy, 4401 E. Independence Boulevard, Charlotte, 704-806-6705, is the petitioner for rezoning the property on which the old 521 volunteer fire dept. is located. They have already remodeled it and will try to use the building for some business. He does not understand why the Planning Commission and the planning staff recommended denial.

Ethan Kramer, 2988 J.B. Denton Road, 286-9586, spoke on behalf of his mother, B. Scott, who is objecting to the rezoning on J B Denton Road because it would disturb the peacefulness of their community. The petitioner wants to house his motorcycle repair shop on this property.

#### ESG PRESENTATION AND ENERGY PERFORMANCE CONTRACT

James Bennett gave Council a brief overview of the savings that will be received by Lancaster County.

In addition, Mr. Bennett advised that a project was left out of the performance contract. It was the chiller/condenser in the Library that needs to be replaced. It was removed from the contract at the time, but with the stimulus money that could be applied for, he felt this could be included. He presented Council two options – Option A totaled \$251,233 and Option B totaled \$247,614. No action was taken.

#### COST FOR LARGE PLATS

At the request of County Council during the last meeting, Steve Willis advised that he checked on the actual cost to the county for recording larger plats and found that the charge of \$15.00 would be sufficient to cover those costs.

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

#### MADE IN USA RESOLUTION

Fred Thomas advised that someone in Lancaster County asked that this resolution committing to purchasing only products and services that are made or created in the U.S. be considered by Council. Some discussion was held as some members felt that it may be difficult to buy certain items that are only made in America and felt the resolution should state committing to purchasing products made in America if practical.

MOTION was made by Larry Honeycutt to move this resolution to an action item on the next agenda. SECONDED by Rudy Carter. PASSED 5-2. Opposed: Jack Estridge, Larry McCullough

### BUSINESS LICENSE

Larry McCullough felt that it was time to discuss a business license for Lancaster County. He felt that it needed to be written in a way that makes it beneficial to the business community and the citizens of the county. A list of businesses would assist the fire marshal in completing fire inspections and safety checks. He agreed that the structure of the ordinance needed to be discussed, but needed to be addressed as soon as possible. It was suggested that a committee be appointed to meet with the Chamber, schools, and business community to come up with an ordinance that is beneficial to everyone. Fred Thomas appointed a committee consisting of Rudy Carter, Larry McCullough, and Larry Honeycutt.

**Meeting of 5/18/09 - an amendment to these minutes was made to clarify the purpose of the committee and the name of committee was changed to Business License Exploration Committee. (See back page)**

### US 521/SC9 CORRIDOR STUDY

Chris Karres wanted to update Council on a land use and map plan being developed for the Highway 521 corridor from the city limits north to the state line and the Highway 9 corridor from the city to the Chester County line. Money for this project would be coming from the Department of Commerce so funds would not be needed from the county for this project. He noted that there will be an advisory committee consisting of 10-25 people who will meet with the consultant. The Selection Committee consisting of Wendy Bell, Cole McKinney, Larry McCullough, Keith Tunnell, Steve Willis, and himself chose a consultant after interviewing four of the seven applications received. They chose the firm of Kimbly-Horn from Charlotte NC. Chris Karres introduced Mr. Stansbury from the firm who gave a general overview of the project.

### COMMITTEE REPORTS

There were no committee reports.

### MONTHLY FINANCE REPORT

Veronica Thompson presented the reviewed the finance report for month ending March 2009. She advised that the unreserved general fund fund balance was \$16.1 million. Council accepted it as information.

### COUNTY ATTORNEY REPORT

In answer to questions Council members had, Mike Ey advised that Frannie Heizer will be covering information concerning appointments to Boards and Commissions during the next meeting.

Regarding tort claims and tort liability, he advised that he will be leaving information with the Clerk to give to Council and if anyone has any questions, to contact him directly in Columbia.

### 2009-2010 COUNTY BUDGET

Steve Willis presented the 2009-2010 budget to Council. He explained that it was out of balance by \$300,000. The recommended budget totaled \$31,005,535. He stated that, basically, it was the same budget as this year, with increases only in those items required such as insurance, GASB 45, state medically indigent fund, utilities, software maintenance, a cost for reassessment, postage and printing, advertisements, and purchase of safety vests. One position was added to the budget which was a new Accountant position. There were no employee salary increases in the budget. He recommended that council consider increasing taxes only to the extent needed to offset the loss of state funding. If Council decides not to raise taxes, his first recommendation was to cut outside agencies that the county has no

responsibility to fund. He noted that he cut the Council Contingency fund from \$250,000 last year to \$50,000 in the proposed budget. First reading of the budget was held later in this meeting. It was noted that the Finance Committee asked Steve Willis to bring back another proposed budget that is in balance which will include his recommendation of where to cut the \$300,000 which is the amount out of balance.

#### SOLID WASTE ROLL OFF TRUCK

Steve Willis presented Council with the bids received for a solid waste roll-off refuse truck (tandem 2010 MRU613 Mack cab-over and chassis with hoist, tarp, and lube systems). Darin Robinson, Public Works Director, recommended awarding the contract to Mack Truck Sales of Charlotte, NC. Their bid was \$132,891.50. They met all specs requested and the county's procurement policy and procedures were met.

MOTION was made by Rudy Carter to accept the bid and award the contract for the solid waste roll-off refuse truck to Mack Truck Sales of Charlotte, NC, at a cost of \$132,891.50. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#### SOLID WASTE ROLL OFF CONTAINERS

Steve Willis advised that bids on six 30-yard open top containers and two 40-yard open top containers were received. The recycling coordinator, Blake Evans, recommended that Council award the contract to the low bidder Bakers Waste. He noted that the quality of their equipment and the service and warranty are by far number one. All of the other open top containers owned by the county are from Bakers Waste. Their bid was \$26,982 which included tax and freight. The County's procurement policy and procedures were met.

MOTION was made by Cotton Cole to accept the low bid and award the contract for six 30-yard open top containers and two 40-yard open top containers to Bakers Waste at a total cost of \$26,982. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

#### CATAWBA REGIONAL COUNCIL OF GOVERNMENTS GRANTS

Steve Willis had advised Council during the last meeting that the Catawba Regional Council of Governments would like Lancaster County to serve as the lead county for their next round of COG Planning Grants, which would be used by all of the governments in the COG, as we had done in prior years.

MOTION was made by Cotton Cole to authorize Lancaster County to serve as the lead county for the next round of Catawba Regional Council of Governments Planning Grants. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0.

#### PRIVATE AMBULANCE FRANCHISE REQUEST

The request from American Transmed, Inc., for a 3-year private ambulance franchise for non-emergency transport in Lancaster County was discussed, in particular the liability insurance coverage requirement Sec. 15-46 of Ordinance #313 adopted in 1998, as some council members felt that the coverage requirement of \$100,000 and \$500,000 in the franchise agreement should be increased. It was noted that American Transmed's liability insurance on their certificate was \$1 million and \$4 million. Steve Willis advised that SCAC was contacted, but a reply concerning limits and what other counties have done has not yet been received. Mike Ey advised that the liability limits are set by County Council,

so they can be changed by ordinance. Some Council members felt that the information from SCAC should be received before any action is taken on this franchise, but the majority of Council felt that this company's liability coverage far exceeded what was required by the ordinance. They felt that the minimum liability coverage in the ordinance could be changed, but rather than hold up this franchise, make it a requirement that this company must adhere to the changes.

MOTION was made by Larry Honeycutt to authorize a 3-year private ambulance franchise to American Transmed, Inc., but they must adhere to any changes made to the ordinance. The ordinance to be updated to read "insurance requirements: in accordance with what DHEC requires". SECONDED by Rudy Carter. PASSED 6-1. Opposed: Cotton Cole

(NOTE: During the last meeting, a motion was made and approved 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. This new motion supersedes the previous motion).

#### IDENTITY THEFT PREVENTION - RED FLAG POLICY

Steve Willis advised that the state has mandated that counties adopt an Identity Theft Prevention Policy and the Association of Counties has recommended that all counties adopt a policy by May of 2009. He had presented Council during the last meeting a 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 Rudy Carter to adopt the Identity Theft Prevention Policy and that the policy be made a part of the Lancaster County Personnel Policy Manual – new section 1.03. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0.

#### RESOLUTION #685 - ANNEXATION OF COUNTY-OWNED PROPERTY

Steve Willis asked County Council whether they had any objections to annexing into the City of Lancaster the parcels of property adjacent to the Pardue Street apartment complex recently obtained from the Forfeited Land Commission. These parcels are in the floodway which would prohibit any development on the land. The property would remain in the name of Lancaster County, but would be in the city limits.

MOTION was made by Cotton Cole to adopt Resolution #685 providing for the annexation of county-owned property located on Pardue Street and to authorize the County Administrator to take any necessary actions to effectuate the annexation. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

#### BOARD & COMMISSION APPOINTMENTS

MOTION was made by Larry Honeycutt to appoint Dr. John Griffin to a 4-year term as an advisor on the Lancaster County Historical Commission. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0.

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 UNANIMOUSLY 7-0.

ORDINANCE READINGS

Ordinance #970 – rezoning 4172 Doby’s Bridge Road

MOTION was made by Larry McCullough to remove from the table Ordinance #970. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

MOTION was made by Larry McCullough to hold 3<sup>rd</sup> reading of Ordinance #970 amending the county zoning map, specifically property located at 4172 Doby’s Bridge Road in Indian Land (tax map 13, parcel 12) from R-15P Moderate Density Residential/Agricultural Panhandle District to B-3 General Commercial District. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #983 - establishing the office of Register of Deeds

MOTION was made by Rudy Carter to adopt 3<sup>rd</sup> reading of Ordinance #983 establishing the position of Register of Deeds for Lancaster County. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Steve Willis advised that this would take effect upon passage of the legislation in Columbia.

Ordinance amending Chapter 22, Grass and Weeds – **denied**

Steve Willis advised that the nuisance ordinance committee will be meeting to review the nuisance ordinance and planned to revise this section of the County Code. Rather than making piecemeal changes, he recommended that Council vote this ordinance down to remove it from the books.

MOTION was made by Rudy Carter to **deny** amending Chapter 22, Grass and Weeds, of the County Code. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #984 rezoning 1418 Avery Lane

Elaine Boone advised that Scott Evans applied to rezone a one-acre portion of property located at 1418 Avery Lane from R-30 to R-30S in order to place a singlewide mobile home on the property. The planning staff recommended denial. Even though existing manufactured housing is located in and around the area, their decision was based on what the county wanted to see in the future in the R-30 zoning district, which is site built and modular housing. The Planning Commission recommended approval by a vote of 5-1.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #984 amending the county zoning map, specifically property located at 1418 Avery Lane (a one-acre portion of tax map 61, parcel 88) from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance rezoning 2934 J.B. Denton Road – **denied**

Penelope Karagounis advised Donald Jowers applied to rezone ¼ of a 10-acre parcel located at 2934 J B Denton Road from R-30D to B-3 in order to operate a motorcycle and ATV retail and catalog order for parts, service and accessories. The property contains a single-family home and a detached

garage. The planning staff recommended denial because the area is designated as low density residential on the future land use map. The Planning Commission recommended denial by a vote of 6-0.

MOTION was made by Larry Honeycutt to **deny** the rezoning request for property located at 2934 J. B. Denton Road (tax map 108, parcel 20.02) from R-30D Low Density Residential/Manufactured Housing/Agricultural District to B-3 General Commercial District. SECONDED by Larry McCullough. PASSED 4-2. For: Larry Honeycutt, Larry McCullough, Rudy Carter, Kathy Sistare. Opposed: Jack Estridge, Cotton Cole. Absent during vote: Fred Thomas

Ordinance rezoning property on Plyler Road – **denied**

Penelope Karagounis advised that Linda G. Blackmon applied to rezone property located on Plyler Road from R-30 to R-30S in order to place a singlewide or doublewide mobile home on the property. The land is presently vacant. The planning staff recommended denial because the land use map designates this area as low density residential which does not distinguish between site-built and manufactured homes. The area does have more single family homes than manufactured homes. The Planning Commission recommended denial by a vote of 6-0.

MOTION was made by Larry Honeycutt to **deny** the rezoning request for property located on Plyler Road (tax map 81G, block H, parcel 12) from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Kathy Sistare. PASSED 6-0. Absent during vote: Fred Thomas

Ordinance rezoning property at 521 N. Old Charlotte Highway – **denied**

Penelope Karagounis advised that Brenda Guy applied to rezone property located at 521 N. Old Charlotte Highway from R-30P to B-2 in order to operate an antique shop in the old volunteer fire department on the property. The planning staff recommended denial as the area is designated as low density residential on the future land use map. The Planning Commission recommended denial by a vote of 5-1.

MOTION was made by Cotton Cole to hold first reading of the ordinance rezoning property located at 521 N. Old Charlotte Highway (tax map 26, parcel 26) from R-30P Low Density Residential/Agricultural Panhandle District to B-2 Community Business District. SECONDED by Jack Estridge. FAILED 2-5. For: Cotton Cole, Jack Estridge. Opposed: Fred Thomas, Rudy Carter, Larry Honeycutt, Larry McCullough, Kathy Sistare

Ordinance #985 adopting the 2009-2010 County Budget

The budget was presented by Steve Willis earlier in the meeting.

MOTION was made by Larry McCullough to hold first reading of Ordinance #985 adopting the 2009-2010 county budget, specifically July 1, 2009, through June 30-2010. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Jack Estridge to go into executive session concerning an economic development matter and a personnel issue. SECONDED by Rudy Carter. 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 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 Larry Honeycutt to adjourn. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 5-18-2009

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Larry Honeycutt, Secretary

AMENDMENT MADE DURING MAY 18, 2009 MEETING TO PAGE 3 OF THESE MINUTES  
UNDER BUSINESS LICENSE

Chairman Thomas wanted to clarify the purpose of this committee

“The committee is charged with investigating the feasibility of a business license for Lancaster County”. A motion was made and approved to change the name of the committee to Business License Exploration Committee.

Irene Plyler  
Clerk to Council