

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

May 18, 2009

Chairman Fred Thomas called the meeting to order on Monday, May 18, at 6:00 p.m. Vice-Chairman Rudy Carter 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, Veronica Thompson, Irene Plyler, Christina Chastain, spectators, and one member 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 that Item 8B, which was the resolution regarding purchasing products only made in the USA, be removed from the agenda. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

MOTION was made by Cotton Cole to add discussion of the business license. SECONDED by Jack Estridge. PASSED 5-2. Opposed: Fred Thomas, Larry McCullough

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

CITIZENS COMMENTS

Mike Sistare, 1451 Potter Road, 320-1600, spoke in opposition to establishing a business license in Lancaster County. Feels it is a tax rather than a license. A lot of businesses have had to close because of the economy and many are struggling. If a further tax is imposed, they may be forced to close also. Small businesses are the backbone of this community.

ARTISAN CENTER

Steve Willis advised that in December 2008, County Council approved funding in the amount of \$16,000 for the Artisan's Center. Subsequent to that, the prior Artisan's Center Board of Director's dissolved and the money was never forwarded. Recently, the Artisans Center was resurrected under the auspices of the Lancaster County Council of the Arts and a new board was formed. However, the scope of the project changed with the withdrawal of USC-Lancaster from the project. He advised that City Council recently voted to release their hospitality fund money to the Center. He asked Council whether they would like to reauthorize the funds to the Center from the Accommodation's Tax funds.

Christina Chastain from the Artisan's Center located on Main Street in downtown Lancaster explained that the project is now an affiliate of the Lancaster County Council of the Arts. It is located downtown and should encourage tourists to visit and bring more tourism dollars into our downtown. In answer to a question posed, Ms. Chastain advised that USC-L is still not involved but she is hopeful that they will be in the future.

She explained that they needed County Council's help and the money will be used for operations. They have received money from the Lancaster Women's Club and they will be on Duke Energy's yearly allocation. She noted that the request for funding from County Council should be a one-time request.

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

COUNTY TRAILER

Steve Willis advised that the former County Council had approved acquiring an unused trailer located on county property on Highway 9 from the Chester/Lancaster Disabilities & Special Needs Board. The original intent was to repair the trailer for use as a training facility for the Sheriff's Office. Once repair work began, mold was found under the flooring and in the walls. The county was advised that it would cost more to take care of the mold problem than the trailer was worth. He recommended to Council that the work to repair the trailer cease and that it be demolished. He noted that the Building & Zoning Department is ready to bid out the demolition of several structures and they informed him that this could be included. Council had no objections; therefore, the Administrator was instructed to handle the matter.

MacMILLAN PARK DRIVE

Steve Willis advised that a request was received from Forsite Development to stripe MacMillan Park Drive due to the large volume of traffic in that business park with the arrival of Continental Tire. Public Works had obtained a quote of \$12,055, which included mobilization and striping 3,885 linear feet of two-lane roadway with two solid lines of traffic-grade yellow paint with reflective beads. Funds were not budgeted for this project. He stated that if Council agreed to stripe this drive, funds could be taken from the Council Contingency Fund.

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

BELAIR SUBDIVISION ROADS

Steve Willis advised that a request was made that Lancaster County accept the roads within phase 1 and 2 in the Belair Subdivision at Carolina Lakes. He furnished Council with a page in their development agreement concerning the acceptance of roads which stated: "County agrees to accept the dedication of the public roads to the County road system but only if, at the time of acceptance, County Council formally agrees to accept the road into the road system and no road shall be accepted into the road system until eighty percent of the lots on the road have been built out." Jeff Catoe, Assistant Public Works Director, advised that the roads had been inspected. Repairs that were needed are complete and Public Works is satisfied with all repairs. He did note that this road was built before the new road standards were approved, but it did conform to the road standards in place at the time of the Development Agreement. He noted that verification will be received prior to the June 1 meeting that they are at the stated 80% build out in these phases.

Frannie Heizer recommended that part of the condition of the county accepting the roads in the development agreement was that the developer be responsible for the maintenance of the landscaping and the medians and that the developer can transfer that responsibility to the homeowners association. She recommended that she work with the developer to have the proper documentation ready with regard to that transfer. In addition, the developer was required to furnish an opinion of their counsel regarding their ownership, so there were a couple of procedural things that should have been completed before the roads were accepted into the system. She may have this by June 1, but if not it can be postponed to the meeting at the end of June.

MOTION was made by Rudy Carter to move this to an action item on the next agenda with the understanding that if it is not possible to have all the paperwork complete by June 1, that it be moved to the 2nd meeting in June. SECONDED by Larry Honeycutt. PASSED 5-2. Opposed: Cotton Cole, Jack Estridge

COMMITTEE REPORTS

Business License Exploration Committee – Rudy Carter advised that this committee has been formed consisting of representatives from the Chamber of Commerce, Small Business Association and County Council members. The first meeting will be Monday, June 8, at 6:00 pm in County Council Chambers.

Nuisance Committee – Larry Honeycutt advised that the Nuisance Ordinance Committee will meet Thursday evening at his home.

COUNTY ATTORNEY REPORT

The attorney did not have a report in open session.

BUSINESS LICENSE EXPLORATION COMMITTEE

Cotton Cole stated that he has received phone calls and felt that there was a large opposition to a business license. Felt it would hurt the small businesses and, because of the present economy, it was not the best time to initiate a business license. Other comments for and against a business license were made and discussed.

Comments were made concerning the purpose of the committee, since the minutes reflected that the committee would work on an ordinance. Chairman Thomas clarified the purpose and charged the committee with investigating the feasibility of a business license for Lancaster County (see motion under approval of minutes).

MOTION was made by Cotton Cole to table this committee. SECONDED by Jack Estridge. FAILED 3-4. For: Cotton Cole, Jack Estridge, Kathy Sistare. Opposed: Larry Honeycutt, Fred Thomas, Rudy Carter, Larry McCullough.

COST FOR LARGE PLATS

Steve Willis advised that during the last meeting, Council voted to approve the request from the Register of Deeds to increase the fee for large plats; however, it was never made clear whether to set this fee at \$15.00 or \$20.00.

MOTION was made by Larry Honeycutt to increase the fee for recording large plats to \$20.00. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

UPDATED ADA 504

Steve Willis advised that the county's ADA Section 504 plan is in the process of being updated. A draft copy was included in Council's agenda for their review and approval.

MOTION was made by Rudy Carter to adopt the updated ADA Section 504 Plan for Lancaster County. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

APPROVAL OF MINUTES

The May 4 minutes regarding the Business License Committee was amended as Council members felt that the purpose of the committee was not clear in the minutes.

MOTION was made by Jack Estridge that the May 4 minutes reflect that the purpose of the committee would be to investigate the feasibility of a business license in Lancaster County. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

MOTION was made by Rudy Carter to amend the name of the committee to the Business License Exploration Committee. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

MOTION was made by Rudy Carter to approve the minutes of the April 27 County Council meeting, and the May 4 meeting as amended. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

BOARD & COMMISSION APPOINTMENTS

There were no appointments made.

ORDINANCE READINGS

Ordinance #982 – Exchange of Land (Roy Hardin Park)

MOTION was made by Rudy Carter to remove from the table Ordinance #982. SECONDED by Larry Honeycutt. PASSED 6-0. Absent during vote: Larry McCullough

MOTION was made by Larry Honeycutt to postpone consideration of Ordinance #982 until such time as County Council receives a report from the Joint Recreation Commission. SECONDED by Rudy Carter. PASSED 6-0. Absent during vote: Larry McCullough

Ordinance #984 rezoning 1418 Avery Lane

MOTION was made by Rudy Carter to hold 2nd reading of Ordinance #984 amending the county zoning map, specifically property petitioned by Scott Evans 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 Larry Honeycutt PASSED 6-0. Absent during vote: Larry McCullough

Ordinance #985 adopting the 2009-2010 County Budget

Steve Willis advised that cuts totaling approximately \$350,000 may not be necessary as the Assessor felt there would be enough growth in Lancaster County to cover the shortfall. The Finance Committee made a recommendation to County Council to approve 2nd reading as approved at 1st reading, which does not include cuts.

MOTION was made by Larry McCullough to hold 2nd reading of Ordinance #985 adopting the 2009-2010 county budget, specifically July 1, 2009, through June 30-2010, as recommended by the Finance Committee which is the same as adopted at first reading. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0

Ordinance franchising private ambulance services

Steve Willis advised that he researched the franchising of ambulance services with DHEC and SCAC and Mike Ey. The opinion was that the state mandates franchise regulations and the county does not have the authority to regulate ambulance franchises. Mike Ey was asked to work on an agreement that would prohibit competition to the Lancaster EMS, but remove franchise from the agreement.

MOTION was made by Rudy Carter to table this ordinance. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #986– Titanium Holdings Infrastructure Credit Agreement

Keith Tunnell advised that Titanium Holdings is planning to locate on the second floor of the HSBC building in Indian Land. They guarantee 90 employees at first up to 300 later.

MOTION was made by Rudy Carter to hold first reading of Ordinance #986 approving an Infrastructure Credit Agreement by and among Lancaster County, South Carolina, Titanium Holdings, Inc., and Titanium Solutions, Inc., and to authorize its execution and delivery; and to provide for other matters related thereto. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

CORRESPONDENCE

Rudy Carter advised that he received a packet containing a petition from Bowater expressing their opposition to the county going green. He asked that this be noted in the minutes.

EXECUTIVE SESSION

MOTION was made by Kathy Sistare to go into executive session concerning an economic development matter and a legal briefing related to Boards and Commissions. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

MOTION was made by Larry Honeycutt 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 an economic development issue and received a legal briefing. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 6-29-2009

Larry Honeycutt, Secretary