

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

June 1, 2009

Chairman Fred Thomas called the meeting to order on Monday, June 1, 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, Mike Ey, Chris Karres, Veronica Thompson, Irene Plyler, Keith Tunnell, Ernie Green, Jon Hardy, spectators, and two 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 amend the agenda to recognize the state champions from the Buford Softball Team. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

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

PUBLIC HEARING

MOTION was made by Cotton Cole to go into public hearing to receive comments from the public concerning the adoption of Ordinance #985 establishing the Lancaster County 2009-2010 County Budget, specifically July 1, 2009, through June 30, 2010. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

There were no comments from the public.

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

CITIZENS COMMENTS

There were no citizens comments.

SPECIAL RECOGNITION

Larry Honeycutt introduced the members of the Buford Ladies Yellow Jacket Softball team and their coaches and presented them a proclamation congratulating them for winning the state championship.

YORK TECHNICAL – CALL CENTER TRAINING

Keith Tunnell, LCEDC President, and Ernie Green from York Tech. came before Council to request funding for the call center training program. They explained that they are now in discussions with a local builder for lease of a building in which to hold the call center training. Ernie Green briefly explained what the program involved, which would consist of 36 hours for basic skills and could be as much as 120 hours for more advanced training at no cost to the citizens who have lost their jobs because of layoffs and are supported by the Catawba Workforce Investment Act (WIA). The cost for those who are not supported by WIA would be \$559,000 for the entire 120 hours, which would be prorated if they did not need the 120 hours. They noted that there were 700 already supported by the WIA. The program would provide job seekers with the required foundational skills needed to be successful in the industry. York Technical College was the WIA Intensive Services Provider for the Catawba Region. They requested \$75,000 from the county and asked that the county be the lessee of the building for insurance purposes.

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

RIVERCHASE ESTATES DEVELOPMENT SCHEDULE

Steve Willis advised that a letter was received from Riverchase Estates requesting a time extension on their development schedule. Their letter stated that modifications are necessary due to the Economic “Down-Turn” in the Real Estate Market. Mr. Willis explained that County Council has 60 days to reply as the adjustment would be effective 60 days from receipt of the request by the Clerk to County Council unless the County Council has disapproved the proposed adjustment by passage of a resolution to that effect within the 60-day period. Attorney Mike Ey stated that he will make a recommendation at the next meeting and asked that the request be left on as a discussion item on the next agenda.

LEGACY PARK

A request was received to accept roads within phases 1 and 2 of Legacy Park. Jeff Catoe, Assistant Public Works Director, noted that the roads met the standards that were in effect at the time the roads were built. He advised that the roads were inspected and some of the spots that Public Works felt needed attention were marked. Some areas marked were below standards (cracking etc.) and were things that the county was not equipped to maintain. He recommended that the roads be repaired before acceptance.

Leslie McCorkle, President of the Legacy Park Homeowners Association, stated that they were aware that the roads must be up to par before the county will accept them. She stated that they are willing to do that and are willing to assess the homeowners a fee to take care of the areas that need attention. She noted that there is a problem with water & sewer and has tried to get in touch with them since last fall, but have not had any response.

Mike Ey suggested that if Council motions to approve the acceptance of these roads, they make the approval conditional upon completion of the problems noted by Mr. Catoe.

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

EXPANSION OF COUNTY FLEET

Steve Willis requested Council authorization to increase the County's vehicle fleet by two vehicles, one of which would be for the Delinquent Tax Office for use when posting property. This vehicle would be coming from Animal Control as they are receiving newer trucks. The second vehicle would be a bariatric ambulance for EMS. Three new ambulances will be coming in, but requested that only two be retired. This unit would be refurbished with special equipment to safely handle large patients.

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

COMMITTEE REPORTS

Larry Honeycutt stated that the Noise Ordinance Committee met and reviewed ordinances from other counties. Another meeting is scheduled for next week.

Rudy Carter advised that the Business License Exploration Committee will be meeting on June 8 at 6:00 p.m. in County Council Chambers to receive input from the business community who are members of the committee.

COUNTY ATTORNEY REPORT

The attorney did not have a report for open session.

RESOLUTION #686 – PROJECT TELL

MOTION was made by Rudy Carter to adopt Resolution #686 providing for a multi-county business park and Infrastructure Credit for Project Tell. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

ARTISAN CENTER

During the last meeting, Steve Willis advised that in December 2008, County Council approved funding in the amount of \$16,000 for the Artisan Center. Subsequent to that, the prior Artisan Center Board of Directors dissolved and the money was never forwarded. Recently, the Artisan Center was resurrected under the auspices of the Lancaster County Council of the Arts and a new board was formed. They have requested funding from County Council in the amount of \$16,000 from the Accommodations Tax funds. They have received funding from Duke Endowment and the City of Lancaster.

MOTION was made by Larry Honeycutt to fund the Artisan Center \$16,000 from the Accommodations Tax funds. SECONDED by Kathy Sistare. PASSED 6-1. Opposed: Rudy Carter

MacMILLAN PARK DRIVE

During the last meeting 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 that the Public Works Director be authorized to stripe MacMillan Park Drive at a cost not to exceed \$12,250 with the source of such funding being the Council Contingency Fund. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

BELAIR SUBDIVISION ROADS

During the last meeting, Steve Willis had advised that a request was made that Lancaster County accept the roads within phases 1 and 2 in the Belair Subdivision at Carolina Lakes. Jeff Catoe, Assistant Public Works Director, had advised that the roads had been inspected. Repairs that were needed were complete and Public Works is satisfied with all repairs.

MOTION was made by Larry Honeycutt that the County accept into the County road system the roads within Phase 1 and Phase 2 of Belair at Carolina Lakes as identified on plats recorded in Plat book 2006, Page 468, and Plat book 2007, Page 328, subject to the following conditions: (1) approval of the form of the deed by the County Attorney; (2) receipt from the roads' current owner of an opinion from the owner's legal counsel indicating the owner has marketable fee simple title to the property; and (3) a written agreement whereby the developer or the homeowners' association accepts responsibility for perpetual maintenance of the landscaping in the right-of-way and any medians of the public roads within the development. SECONDED by Larry McCullough. PASSED 5-2. For: Larry Honeycutt, Larry McCullough, Fred Thomas, Rudy Carter, Kathy Sistare. Opposed: Jack Estridge, Cotton Cole

BOARD & COMMISSION APPOINTMENTS

MOTION was made by Rudy Carter to appoint Rev. Thomas Stevens to an unexpired term on the Community Relations Commission representing District #2 and George Sellers to an unexpired term on the Community Relations Commission representing District #5. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

MOTION was made by Cotton Cole to appoint Glen R. Watts to a 4-year term on the Lancaster County Airport Commission representing District #3. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

ORDINANCE READINGS

Ordinance #984 rezoning 1418 Avery Lane

MOTION was made by Larry Honeycutt to hold 3rd 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 Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #986- Titanium Holdings Infrastructure Credit Agreement

MOTION was made by Rudy Carter to hold 2nd 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 Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #987 rezoning 2606 Country Club Drive

Penelope Karagounis advised that Rosa Catoe applied to rezone property located on lot 8 next to 2608 Country Club Drive from R-30 to R-30D in order to place a doublewide mobile home on the property for her son. A single-family home is located on Lot 6. Lots 7 and 8 are vacant. However, there was a mobile home on lot 8 in the past. The planning staff recommended approval as the area does have more predominately manufactured homes than single-family homes. The Planning Commission recommended approval by a vote of 6-0.

MOTION was made by Rudy Carter to hold first reading of Ordinance #987 amending the county zoning map by rezoning property petitioned by Rosa Catoe located on 2608 Country Club Drive, lot 8 (tax map 1021, block E, parcel 3) from R-30 Low Density Residential/Agricultural District to R-30D Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance #988 franchising private ambulance services

Mike Ey advised that DHEC regulates private ambulances. There is nothing the county can add to make it better. At Council's request, he prepared an ordinance repealing the provisions requiring county franchise agreements for private ambulance services. He left in the ordinance the provision that makes it illegal for private ambulance services to answer the county's 911 calls and the section that states "the County Council reserves the exclusive right to provide basic and advanced life support emergency medical services through its county ambulance service. Only in-state South Carolina providers may provide advanced life support in the county. Private ambulance services may enter into a mutual aid agreement with Lancaster County EMS in order to run emergency calls at Lancaster County EMS request."

MOTION was made by Cotton Cole to hold first reading of Ordinance #988 repealing Sections 15-41 through 15-44 and Sections 15-46 through 15-56 of the Lancaster County Code, relating to the granting of franchises for the provision of convalescent transportation services by private ambulance services; and to amend Section 15-45 of the Lancaster County Code, relating to the provision of emergency medical services by private ambulance services, so as to reflect the repeal of provisions requiring franchise agreements for private ambulance services. SECONDED by Kathy Sistare. PASSED 6-1. Opposed: Jack Estridge

Ordinance #989 Pleasant Valley Fire District \$2.5 million GO Bonds

Mike Ey advised that the source of funds to repay these bonds would be the annual \$75.00 dwelling unit fee paid by residents in that area.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #989 (by title only) authorizing the issuance and sale of not exceeding \$2,500,000 General Obligation Bonds of Lancaster County, SC, (Pleasant Valley Fire Protection District), Series 2009, or such other appropriate series designation; fixing the form and details of the bonds, authorizing the County Administrator or his lawfully-authorized designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. SECONDED by Larry McCullough. PASSED 6-1. Opposed Cotton Cole.

EXECUTIVE SESSION

MOTION was made by Rudy Carter to go into executive session to discuss an economic development issue, to receive three legal briefings, and to discuss a personnel matter. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

MOTION was made by Cotton Cole to go out of executive session and back into regular session. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

As Council came out of executive session, Chairman Thomas announced that Council went into executive session to discuss an economic development issue, received legal briefings from the County Attorney, and discussed a personnel matter. Two of the items were received as information and no action was taken. A motion was forthcoming on the third issue.

MOTION was made by Cotton Cole to authorize the County attorney to move forward with the quit claim and to clean up the Glen Laurel Subdivision deed situation. SECONDED by Larry McCullough PASSED UNANIMOUSLY 7-0

ADJOURNMENT

MOTION was made by Larry McCullough to adjourn. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 07-06-2009

Secretary