

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

June 22, 2009

Chairman Fred Thomas called the meeting to order on Monday, June 22, at 6:00 p.m. Cotton Cole offered the invocation.

County Council members present were Chairman Fred Thomas, Secretary Larry Honeycutt, Jack Estridge, Larry McCullough, Kathy Sistare, and D. W. "Cotton" Cole. Vice-Chairman Rudy Carter was out of town on vacation. Also present were Steve Willis, Mike Ey, Chris Karres, Veronica Thompson, Irene Plyler, Keith Tunnell, Ernie Green, 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

Chairman Fred Thomas noted that the public hearing and 3rd reading of Ordinance 986, and agenda item 9(f), which was discussion of the Heath Springs Industrial Park, needed to be removed from tonight's agenda.

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

SPECIAL PRESENTATIONS

Larry Honeycutt and Kathy Sistare presented Tim Rouse and William Burley, members of the Lancaster Rescue Squad, with Citations for Valor for a recent rescue of some teenagers on the river, which was life threatening to all.

Cotton Cole presented Trevor Banks from the Buford Yellow Jackets Golf Team a proclamation congratulating him for winning the 2009 State Class A Medal. This was Trevor's 2nd State Championship.

CITIZENS COMMENTS

Troy Elmore, 4439 Old Hickory Road, commented on political signs not being removed after elections as the ordinance calls for. He was asked by the folks in Van Wyck to let the politicians know that the signs, some of which are still up since the election, need to be picked up.

LOCAL EMERGENCY PLANNING COMMITTEE GRANT

An Emergency Management grant related to the Local Emergency Planning Committee was presented to Council for information. It was an LEPC operations grant and was a 100% grant totaling \$4,773.67. No local match was required.

EMERGENCY MANAGEMENT GRANT

A grant application from Emergency Management for a grant related to the planning Sun City CERT (Community Emergency Response Team) was presented to Council as information. This was a 100% grant totaling \$17,506. No local match would be required if awarded to the County.

SPRINGS PARK BOAT LANDING ROAD

Steve Willis informed Council that staff has been meeting with representatives from Duke Energy concerning the new Springs Park boat landing, which will replace the Bethel boat landing. A Memorandum of Understanding was signed in 2005 between Duke Energy and Lancaster County and, as part of that agreement, Lancaster County agreed to construct a 20 foot wide (minimum) gravel road from SC 200 to the Duke Energy property. Staff now proposed that the road be triple treatment rather than gravel, given the likely heavy use of the roadway. He noted that the construction of this road was not budgeted for in the preliminary budget presented to County Council as they presumed it would be included in the later Federal Energy Regulatory Commission agreement with Duke Energy. However, the Federal Energy Regulatory Commission advanced the timetable and it will be completed in the fall of 2010. He advised that the Finance Director has included this in the proposed budget in the Roads and Bridges Department at an estimated cost of \$175,000. Council concurred; therefore, no action was necessary by Council as it will be included when Council votes to adopt the 2009-2010 budget.

BRIDGEMILL DEVELOPMENT SCHEDULE

Steve Willis advised that a request was received from John Wieland Homes (Bridgemill) to extend their development schedule under their Development Agreement. Their letter stated that these modifications were a result of changing market conditions resulting in a much reduced sales pace stemming from the significant recession the economy is currently enduring. This would be presented to the Planning Commission and a recommendation should be received from them at the next County Council meeting. Mike Ey and Chris Karres were also asked to review this request and bring back a recommendation.

EXTENDED AIRPORT APRON PROJECT

Steve Willis advised that our airport engineering group, LPA, had requested additional compensation for extended inspections during the west apron expansion project. The project went over the original contract time by approximately 90 days due to unusually wet and cold weather limiting inspections to times when only major work items were being performed. He noted that the project came in under the original contract bid amount; therefore, this request would not cause the project to exceed budgeted amounts. The State Aeronautics Commission approved this request and would not have a problem reimbursing their share (60%) of this additional fee request as long as the total project cost does not exceed the grant amount.

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

RECREATION DEPT. BLEACHERS

Steve Willis advised that it has been a long-standing practice that the Public Works Department transport the bleachers for the Recreation Dept. for various functions as the Recreation Dept. did not have vehicles and trailers suitable for moving bleachers. The Recreation Dept has a long standing practice of

loaning the bleachers to other governmental agencies and the school district for special events such as Veteran's Day Parades, Heath Springs Elementary Rodeo, etc. Cotton Cole and Jack Estridge felt that our Public Works Department employees should not have to move bleachers for other departments to use as they had other things to do. Larry Honeycutt disagreed. He felt that this is a good example of team work.

MOTION was made by Cotton Cole that the Public Works Dept. should get out of the bleacher moving business. SECONDED by Jack Estridge. TIED 3-3; therefore, the motion failed. For: Cotton Cole, Jack Estridge, Larry McCullough. Opposed: Larry Honeycutt, Kathy Sistare, Fred Thomas. Absent: Rudy Carter

LOCAL VENDOR PREFERENCE POLICY

Steve Willis advised that the current Procurement Policy does not include a local vendor preference and does not allow staff much latitude in selection a local vendor over the lowest, most responsive bidder. He noted that the State Legislature overrode a gubernatorial veto of a bill that creates something of a local vendor preference on the state level and will become part of the state procurement policy. He advised that local governments are required to have a procurement policy that substantially conforms with the state procurement policy. He asked whether Council would want a similar provision to the state's policy to award a percentage consideration for businesses that are located within Lancaster County. Chairman Thomas asked Council members to email to Steve Willis any comments they may have pertaining to this.

COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

The attorney did not have a report.

APPROVAL OF MINUTES

MOTION was made by Larry Honeycutt to approve the minutes of the May 18, 2009, County Council meeting. SECONDED by Kathy Sistare. PASSED 6-0.

RESOLUTION #687 – LOCAL OPTION SALES TAX CREDIT FACTOR

MOTION was made by Cotton Cole to adopt Resolution #687 establishing the Local Option Sales Tax Credit Factor for 2009-2010. SECONDED by Larry McCullough. PASSED 6-0.

YORK TECHNICAL – CALL CENTER TRAINING

During the last meeting, Keith Tunnell, LCEDC President, and Ernie Green from York Tech. came before Council to request funding for the call center training program. He noted that the Workforce Investment Board approved the \$300,000. They requested \$75,000 from the county, which would be the county's portion of this project. They advised that a 6-month lease agreement is being entered into for the Thaxton Building with the option of an additional 6 months. They asked that the county be the lessee of the building for insurance purposes.

MOTION was made by Jack Estridge that \$75,000 be allocated from the fund balance to be utilized as a grant match for the proposed WIA Grant for York TECH, partnering with the Lancaster County Economic Development Corporation, to train call center customer service representatives in Lancaster County. SECONDED by Larry Honeycutt. PASSED 6-0.

RIVERCHASE ESTATES DEVELOPMENT SCHEDULE

Steve Willis advised during the last meeting that a letter was received from Riverchase Estates requesting a time extension on their development schedule. County Attorney Mike Ey and Director of Planning Chris Karres have reviewed the proposed schedule and advised that it appeared to be in good order with regard to state law and the local ordinance. Mike Ey explained that there were some provisions as to when construction of homes would begin and these were not changed. He felt that the developer should modify the balance of that development schedule to be consistent. Chris Karres and Mike Ey were instructed to meet with the developer. Action was postponed to the next meeting.

LEGACY PARK

A request was taken to Council during the last meeting to accept roads within phases 1 and 2 of Legacy Park. During that meeting, 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. He recommended that the roads be repaired before acceptance. At that time, 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 and stated that they are willing to assess the homeowners a fee to take care of the areas that need attention.

MOTION was made by Cotton Cole that the county will accept the roads within the Legacy Park subdivision into the county road system subject to the following conditions: (1) approval of the form and content of the deed conveying the roads to the county by the County Attorney prior to recording, and the deed must reflect that the county does not accept ownership or responsibility for sidewalks, landscape medians, stormwater infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete pavers, street lights and similar items; (2) receipt of an opinion from the current owner's legal counsel that the owner has marketable fee simple title to the property; (3) a report from the County Department of Public Works that any needed repairs to the roads have been made, and a recommendation for acceptance of roads into the county road system. SECONDED by Kathy Sistare. PASSED 6-0.

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. The second vehicle would be a bariatric ambulance for EMS.

MOTION was made by Larry Honeycutt to authorize the County Administrator to expand the County vehicle fleet to include a bariatric ambulance for EMS and a pickup for the Del. Tax Office. SECONDED by Kathy Sistare. PASSED 6-0.

SHERIFF'S OFFICE GRANT

Tom Holland advised that a 100% grant from the federal government in the amount of \$24,977 was applied for. A local match was not required. They intend to use the money for records room upgrades and shelving, law enforcement uniforms and safety equipment. No action by County Council was necessary. However, it was required that the public be informed of the grant and be given the opportunity to comment. Chairman Thomas asked whether anyone from the public had any comments. No comments were received.

UNITY IN THE COMMUNITY

MOTION was made by Larry Honeycutt to authorize the Finance Director to disburse \$1,000 from the Local Accommodations Tax fund to assist in the 2009 Unity in the Community festival. SECONDED by Cotton Cole. PASSED 6-0.

ORDINANCE READINGS

Ordinance #987 rezoning 2606 Country Club Drive

MOTION was made by Cotton Cole to hold second 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 Jack Estridge. PASSED 6-0. Absent: Rudy Carter

Ordinance #985 – 2009-2010 County Budget

Veronica Thompson advised that there were two changes made from second reading – the addition of an Expungement Clerk in the Magistrate's Office (per state law passed on June 16, 2009) and, per County Council's request, a Deputy Administrator beginning in January 2010.

MOTION was made by Larry Honeycutt to hold 3rd reading of Ordinance #985 adopting the Lancaster County 2009-2010 County Budget, specifically July 1, 2009 through June 30, 2010. SECONDED by Cotton Cole. PASSED 5-0. Absent: Rudy Carter. Fred Thomas recused himself from voting on the Magistrate's budget, as he will become an employee of the Magistrate's Office on July 1 (recusal form attached).

Steve Willis advised that because of debt service millage going down, a citizen owning a \$100,000 home will see a reduction in their taxes from \$451.90 last year to \$433.00 this year.

Ordinance #988 franchising private ambulance services

MOTION was made by Jack Estridge to hold 2nd 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 Larry McCullough. PASSED 5-1. Opposed: Cotton Cole. Absent: Rudy Carter

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

MOTION was made by Larry Honeycutt to hold 2nd reading of Ordinance #989 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 5-1. Opposed Cotton Cole. Absent: Rudy Carter

RESIGNATION

Prior to adjournment, Chairman Fred Thomas announced his resignation from County Council to take the position of Magistrate for Lancaster County on July 1, 2009. Councilman Thomas was wished well in his new position by his fellow County Council members.

ADJOURNMENT

MOTION was made by Cotton Cole to adjourn. SECONDED by Larry McCullough. PASSED 6-0. The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 07-27-2009

Kathy Sistare, Secretary