

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

July 6, 2009

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

County Council members present were Vice-Chairman Rudy Carter, Secretary Larry Honeycutt, Jack Estridge, Larry McCullough, Kathy Sistare, and D. W. "Cotton" Cole. Also present were Steve Willis, Frannie Heizer, Chris Karres, Veronica Thompson, Irene Plyler, Keith Tunnell, Morris Russell, Robert Baker, 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

Chris Karres requested that a discussion item updating Council on the modifications of cell tower regulations be added to the agenda.

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

ELECTION OF OFFICERS

The gavel was turned over to County Attorney Frannie Heizer who conducted the election of officers for the remainder of the two year terms.

Chairman

Larry Honeycutt nominated Rudy Carter to the position of Chairman.

No other nominations were presented.

MOTION was made by Kathy Sistare to close the nominations and elect Rudy Carter to the position of Chairman of County Council. SECONDED by Larry McCullough. PASSED 5-0. Rudy Carter did not vote.

Vice-Chairman

Rudy Carter nominated Larry Honeycutt for the position of Vice-Chairman.

No other nominations were presented.

MOTION was made by Rudy Carter to close the nominations and elect Larry Honeycutt as Vice-Chairman of County Council. SECONDED by Cotton Cole. PASSED 5-0. Larry Honeycutt did not vote.

Secretary

Larry McCullough nominated Kathy Sistare for the position of Secretary of County Council.

No other nominations were presented.

MOTION was made by Larry Honeycutt to close the nominations and elect Kathy Sistare Secretary. SECONDED by Rudy Carter. PASSED 5-0. Kathy Sistare did not vote.

Attorney Frannie Heizer then turned the gavel over to Chairman Rudy Carter.

PUBLIC HEARINGS

Titanium Holdings Infrastructure Credit Agreement (Ordinance #986)

MOTION was made by Kathy Sistare to go into public hearing to receive comments from the public on Ordinance #986 approving an Infrastructure Credit Agreement by and among Lancaster County, Titanium Holdings, Inc., and Titanium Solutions, Inc. and to authorize its execution and delivery. SECONDED by Jack Estridge. PASSED 6-0.

There were no comments.

MOTION was made by Cotton Cole to go out of public hearing and back into regular session. SECONDED by Jack Estridge. PASSED 6-0.

Pleasant Valley Fire District Bonds (Ordinance #989)

MOTION was made by Larry McCullough to go into public hearing to receive public comments concerning Ordinance #989 providing for the issuance and sale of not exceeding \$2,500,000 General Obligation Bonds (Pleasant Valley Fire Protection District). The proceeds of the Bonds will be used for constructing and equipping a fire station and all costs associated therewith including land acquisition; paying the costs of issuance of the bonds; and such other lawful purposes as the County Council shall determine. SECONDED by Larry Honeycutt. PASSED 6-0.

There were no comments.

MOTION was made by Larry Honeycutt to go out of public hearing and back into regular session. SECONDED by Jack Estridge. PASSED 6-0.

CITIZENS COMMENTS

Danny Bennett, Randy Jordan, James Adams, Leland Summer, Larry Smith and Kip Carter asked that their comments be reserved at the time discussion regarding closing the Pleasant Hill Fire Department was held.

Ben White, 1525 University Drive, 285-2932, spoke in opposition to the County hiring a Deputy Administrator. Felt that responsibilities could be realigned. He also recommended that a change in the form of government be considered – from Council/Administrator to Council/Manager, which would consolidate some departments.

BRIDGEMILL DEVELOPMENT SCHEDULE

During the last meeting, a request was received from John Wieland Homes (Bridgemill) to extend their development schedule under their Development Agreement. At that time, the County Attorney was asked to review this request and make a recommendation to County Council. A memo from Mike Ey, included in the agenda package, stated that for phases 4a and 4b, the Developer is moving the commencement dates for the single family units forward two to three years and the completion dates forward four to five years. For phases 3a, 3b, and 3c, the Developer is moving the completion date for single family units forward three years. For phases 5a, 5b, and 5c, commercial development, the Developer is moving the commencement date forward two to three years and the completion date forward three to four years. His memo stated that the proposed modifications appear to conform to the state law requirements, those of Ordinance #663, and Section 1.07 of the Development Agreement. He further noted that the Developer appears to have demonstrated and established that there is good cause to modify the development schedule and that Council would be justified in allowing the modification to become effective.

Steve Willis was asked to contact representatives from John Wieland Homes and ask them to attend the July 27 meeting so questions can be answered before a decision is made by Council.

HEATH SPRINGS SPEC BUILDING

Keith Tunnell advised that they are ready to move forward with receiving Council's approval for the spec. building at the Heath Springs Industrial Park. The next step would be to seek a developer who would enter into an agreement with the county to build a 50,000 square foot spec. building.

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

PLEASANT HILL FIRE DEPARTMENT

Steve Willis advised that a recommendation has been made by the County Fire Commission to close the Pleasant Hill Fire Department. He went on record as supporting the decision of the Fire Commission. He noted that as a former volunteer firefighter, and briefly a career firefighter, he assured Council that the Fire Commission does not take their duties lightly. They are charged by County Code with assessing the overall needs of the county for fire protection, coordinating the activities of the individual departments, establishing policies, rules and regulations regarding the fire service and, if necessary, withdrawing the equipment from departments that fail to comply with established standards. He advised Council that he had informed the Fire Commission that he expected them to see that the various departments did not operate contrary to established OSHA and insurance regulations. To do otherwise would expose this county, and ultimately the taxpayers, to unnecessary financial risks and expose our volunteer firefighters to needless personal risk and potential injury. He also noted that the recommended action of the Fire Commission would immediately save the residents in Pleasant Hill on their fire insurance, and there is a likelihood that the rest of the county residents would not be exposed to higher than needed fire insurance rates by leaving a weak station in existence.

The letter to County Council from the former Fire Commission Chairman stated that on June 4, 2009, the Commission voted 12-5 in favor of a motion advising Lancaster County Council of the need to disband the Pleasant Hill Volunteer Fire Department. Eighteen of the commissioners were present, but the Chairman did not vote. The letter stated that a number of variables were considered, which ranged from lack of proper documentation required by the ISO to disregard for established and adopted Standard

Operating Guidelines. It noted that the Pleasant Hill district can be served in its entirety by four surrounding fire districts, and that the disbanding of the fire district will immediately result in a drop of at least one point in the ISO rating on which homeowners premiums are based, resulting in a cost savings for all the districts residents on their homeowners premiums.

Morris Russell and Fire Commission Chairman Robert Baker advised that an ISO evaluation of the entire county fire service is scheduled for late July to mid August. They feel that by disbanding that station at this time, that station would not be included in the upcoming evaluation which could consequently reduce the ISO rating for the entire county.

Several citizens and members of fire departments were in attendance to voice their objections. They asked that Council not make a hasty decision and that they be given another year to bring the station into compliance:

Danny Bennett, Pleasant Hill Chief, 3058 Rocky River Road, Heath Springs
Mark Truesdale, Flint Ridge Road, Heath Springs
David Gorden, Heath Springs
James Adams, 3735 Rocky River Road, Heath Springs
Leland Summers, 1980 Rocky River Road, Lancaster County
Larry Smith, 835 Earl Cauthen Road
Mr. Twitty
Kip Carter, 5784 Flat Rock Road

A lengthy discussion was held. Council members were displeased with actions of that department over the weekend whereby they changed the locks so that the monthly inspections could not be made and, in addition, pictures were shown to them where equipment had been removed from the fire trucks and were lying on the floor. They felt that should a fire occur in that district at this time, the truck would not be in a condition to answer a fire and, consequently, put homeowners in that district in a bad position.

MOTION was made by Cotton Cole to move this to an action item on the next agenda. SECONDED by Larry Honeycutt. PASSED 4-2. For: Cotton Cole, Larry Honeycutt, Rudy Carter, Larry McCullough. Opposed: Kathy Sistare, Jack Estridge.

STATUS OF SIGN ORDINANCE

Chris Karres advised that consultants have been hired to do a study of the 521/Hwy 9 corridor from Lancaster to the NC state line and from Lancaster to the Chester County line. He noted that a copy of the billboard regulations have been provided to the consultant to see what modifications need to be made. He is now waiting to see what the consultant will recommend.

Larry McCullough stated that he felt that some kind of a decision needs to be made now. As it stands now, billboards could be placed anywhere and there would be nothing County Council could do to stop them.

Attorney Frannie Heizer suggested that an ordinance establishing a moratorium be placed on the next agenda.

MOTION was made by Larry McCullough to authorize the County Attorney to prepare an ordinance to be placed on the next agenda for first reading. SECONDED by Jack Estridge. PASSED 6-0.

Mr. Deese, former chairman of the Planning Commission, was in attendance and stated that he spoke with a gentleman in charge of billboards at the district and state levels within the last week. He was told that permits cannot be issued for billboards by the state until the county gives a letter stating that they agree. There are no applications in Columbia for Lancaster County at this time. There are now 44 billboards in Lancaster County. He suggested that perhaps it be capped at 44 and if a company wants to bring in another board, then a non-conforming board would need to come down. Should an electric billboard go up, then 2 non-confirming signs would need to come down. Council thanked him for his comments.

COMMITTEE REPORTS

Chairman Rudy Carter advised that he will be redoing some of the Council committee assignments to fill the vacancies left open by Fred's resignation.

MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending May 31. She noted that the fund balance was \$17.7 million. Of that \$4.2 million is reserved and \$13.5 is unreserved. Council accepted the report as information.

COUNTY ATTORNEY REPORT

The attorney did not have a report in open session.

CELL TOWER REGULATIONS

Chris Karres advised that he had one representative, who represents several cell tower companies, request that cell tower regulations dealing with setback requirements be modified. Currently, the regulations for the county are that cell tower set backs must equal the height of the tower in areas adjacent to residential. For commercial and industrial, it is 60% of the height of the tower or the fall zone, which is the area that the tower is designed to collapse upon itself if it was to structurally fail, or whichever is larger. Another requirement is that whatever the height of the tower is, the cell tower company must lease that amount of land. Those towers already in the county have met that requirement. However, there may be a need for cell towers in the panhandle, but the cost of the land is much more valuable than in other parts of the county. Basically, they are looking at having to lease 3½ to 4 acres of land for each tower. He asked County Council whether they would be interested in staff looking at modifying the cell tower ordinance.

Tim Leonard from a cell tower firm asked that one portion of the ordinance be changed from 200 feet on all sides to 100 feet on all sides. He noted that cell towers are designed to collapse on themselves should they fall. He has never had one to fall.

Chairman Carter asked that Mr. Leonard and Chris Karres work together and come up with changes to the ordinance for County Council to look at.

APPROVAL OF MINUTES

MOTION was made by Larry Honeycutt to approve the minutes of the June 1 and June 15, 2009, County Council meetings. SECONDED by Cotton Cole. PASSED 6-0.

EXTENDED AIRPORT APRON PROJECT

During the last meeting, 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.

MOTION was made by Cotton Cole that the request for extended inspection compensation by LPA be accepted, if it can be done with existing funds, pursuant to approval by the S.C. Aeronautics Commission. SECONDED by Larry McCullough. PASSED 6-0

PURCHASE OF AMBULANCES

Steve Willis reminded Council that last year when the ambulances were bid out, a clause was included that the bid for three ambulances obtained in FY09 must include a guaranteed price for three additional units in FY10. This guarantee was received. He sought Council's approval for the lease purchase arrangements for the additional three ambulances. Frannie Heizer advised that 3 readings of an ordinance will be required regarding the financing of the ambulances.

MOTION was made by Larry Honeycutt that the Finance Director and County Attorney be authorized to prepare a FY09-10 lease purchase for three ambulances per the terms of the previously accepted competitive bid. Furthermore, the EMS Director and Finance Director are authorized to place an order for the three ambulances at this time. SECONDED by Larry McCullough PASSED 6-0.

RIVERCHASE ESTATES DEVELOPMENT SCHEDULE

Mike Ey advised during the last meeting that there were some provisions as to when construction of homes would begin and these were not changed in their development schedule. He felt that the developer should modify the balance of that development schedule to be consistent. Frannie Heizer advised that the schedule presented by LGI has been updated. Council had 60 days to object or the schedule would be approved; therefore, no action by Council was necessary. However, the County Attorney was asked to check whether the old road standards would still be in effect or if LGI would come under the new standards since they changed their schedule. Frannie Heizer stated that she would check and, since the deadline was upon them, she advised Council to disapprove this request at this time which would give Council an additional 60 days to reply.

MOTION was made by Cotton Cole to disapprove LGI's request to extend their development schedule. SECONDED by Jack Estridge. PASSED 6-0.

ORDINANCE READINGS

Ordinance #986 - Titanium Holdings

MOTION was made by Larry Honeycutt to hold third reading of Ordinance #986 to approve 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 Kathy Sistare. PASSED 6-0.

Ordinance #987 rezoning 2606 Country Club Drive

MOTION was made by Larry Honeycutt to hold 3rd 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 6-0.

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

MOTION was made by Larry Honeycutt to hold 3rd 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 Kathy Sistare. PASSED 5-1. Opposed: Cotton Cole

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session to receive information on two contractual matters. SECONDED by Jack Estridge. PASSED 6-0.

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

As Council came out of executive session, Chairman Carter advised that Council discussed two contractual matters and motions would be forthcoming on both issues.

MOTION was made by Cotton Cole to approve the lease between the County and Ross Properties, LLC, for property located at 1520 Pageland Highway, Lancaster, SC, and to approve two subleases: sublet the first floor of the east wing to the Workforce Investment Act Office which is part of the Catawba Regional Council of Governments, and the second would be a sublease of the first floor of the west wing to York Technical College. SECONDED by Kathy Sistare. PASSED 6-0.

MOTION was made by Cotton Cole to approve the contract with Perception Builders, LLC, to serve as Project Manager or contractor for the new Lancaster County Courthouse. SECONDED by Kathy Sistare. PASSED 6-0.

ADJOURNMENT

MOTION was made Cotton Cole to adjourn. SECONDED by Larry McCullough. PASSED 6-0. The meeting adjourned at 9:41 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 07-27-2009

Kathy Sistare, Secretary