

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

August 10, 2009

Chairman Rudy Carter called the meeting to order on Monday, August 10, at 6:00 p.m. Chairman Carter asked that two boy scouts from Pack 73 lead the Pledge of Allegiance. Larry Honeycutt offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Larry Honeycutt, Secretary Kathy Sistare, Jack Estridge, Larry McCullough, and D. W. "Cotton" Cole. Also present were Steve Willis, Frannie Heizer, Chris Karres, Elaine Boone, Veronica Thompson, Irene Plyler, Keith Tunnell, Fred Thomas, Rick Crimminger, Richard Band, 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

It was requested that Resolution #689 regarding an airport grant be added to the agenda, and that the upcoming special election be added as a discussion item.

MOTION was made by Cotton Cole to approve an amended agenda. SECONDED by Kathy Sistare. PASSED 6-0.

CITIZENS COMMENTS

Philip Mullis, 1720 Edgeport Drive, 286-7932, was the petitioner for the rezoning of 1.76 acres on Highway 200. He would like to build a shop on the property.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, spoke about the need to upgrade the County's website so that it would provide additional information to the public, such as board and commission agendas and minutes, schedules of meetings, and add a place for citizens to sign up to automatically be notified of meetings.

Jane Tanner, 7031 Whittingham Drive, Indian Land, is the president of the Indian Land Action Council. She mentioned that she had concerns about the Roy Hardin Park. However, she has been sent the specs of the park and equipment and feels better about it. She was concerned that the Roy Hardin Park would be closed before the new one was completed. In addition, she mentioned that they would like some help with Shelly Mullis Road, which is the road leading to the park.

ELECTION COMMISSION

Rick Crimminger, Chairman of the Election Commission, spoke about the two special elections coming up for County Council District #2. He wanted council to be aware that they tried to save the county some money. The law states that if there is only one candidate filing, then the Election

Commission can determine the primary to be the only election and that person is certified. A general election would not be held. Initially, the Election Commission thought that if two were running in the same party and no one filed as a write in candidate after the primary, then a general election would not be necessary since there would only be one candidate on the ballot. However, the State has informed them that they cannot do that because when there are two candidates who file, even in the same party, a general election must be held. He noted that the primary will be held Sept. 15 and the general election will be held Nov. 3. The cost for each election will be \$3,500 to \$4,000.

DEL WEBB LIBRARY

Richard Band explained to Council that \$17,000 is needed to finish paying the contractor for the Indian Land Library Project. He explained that State Aid was reduced from \$139,000 last year to \$96,000 and their efforts to raise all funds for this project fell short. They did not receive the \$100,000 pledge by the Bretagne Corporation. Steve Willis recommended that council fund this from the Council Contingency line item.

MOTION was made by Larry Honeycutt that the Finance Director be authorized to utilize \$17,000 from the Council Contingency line item to complete payment for the Del Webb-Indian Land Library as requested by Librarian Richard Band. SECONDED by Kathy Sistare. PASSED 6-0.

COUNTY WEBSITE

Steve Willis advised that Councilman Estridge wanted to discuss taking steps to make government more transparent; specifically, by posting Board and Commission minutes on line as well as financial reports and data. In order to accomplish this, the county's website would need to be upgraded as the current site utilizes old technology and requires a webmaster to make changes. He advised that SC.GOV offers services that would be useful to the county, as well as VC3, who works with the SC Association of Counties and offers a wider range of available services. He noted that updating software could be expensive, but it would open up the county to making more information available to citizens. He has been in contact with both firms and advised council that as soon as he has pricing information, he will present it to them for a decision.

INMATE LITTER COLLECTION VAN

Steve Willis requested permission to utilize excess funds from the Capital Improvement Account (no more than \$13,500) to make up the difference to acquire a van for use with the Sheriff's Litter Collection program. He explained that the proceeds from the vehicles auctioned off, specifically approved by Council for this vehicle, was \$8,900. However, the Sheriffs' Office reports that a suitable van would cost \$22,022 including tax.

MOTION was made by Cotton Cole that the Finance Director be authorized to use excess Capital Improvement Account funds to acquire a van for use with the Sheriff's Litter Collection program. This amount shall not exceed \$13,500. The overall amount of the Capital Improvement Account will remain unchanged. SECONDED by Larry Honeycutt. PASSED 6-0.

POTENTIAL PROJECTS

Steve Willis presented Council with pricing information on two potential projects:

Airport terminal and office complex - LPA, the airport engineers, advised that a budget of \$22,000 would be needed to design the plans for a new airport terminal to include office space for the County Economic Development Office. The final price will depend on the interior finishes and would likely be in the range of \$1.5 million to \$2 million. Potential funding sources would include the use of ARRA (stimulus) bonds.

Gills Creek Drive Bridge Grant – Steve Willis advised that last year County Council approved the submission of a FEMA grant to construct a bridge on Gills Creek Drive to alleviate the road flooding during periods of heavy rain. This flood isolates residents as the road is a dead end road. He advised that FEMA did not fund the original application, but has indicated funding was likely upon the submission of additional hydrological data. The engineering firm of Keck & Woods in Rock Hill has given the county a price of \$10,000 to conduct an engineering study to determine additional data and revise the grant application.

He asked Council whether they wanted to pursue the two listed projects in order to identify potential funding sources. Veronica Thompson was asked to furnish council, during the next meeting, with potential funding sources.

HIGHWAY #521/#9 CORRIDOR STUDY

Chris Karres informed Council that meetings will be held all day Tuesday and Wednesday of this week in County Council chambers. The consultant will give their presentation of what they have collected and will be asking for feedback from County Council members and citizens. Final details for both corridors should be ready in a few months and will be brought to Council at that time.

COUNCIL COMMITTEE REPORTS

Larry Honeycutt advised that he, Kathy Sistare and Cotton Cole (**correction: Jack Estridge attended the meeting, not Cotton Cole**) attended the most recent Fire Commission meeting. He noted that the meeting was run very professionally and they left that meeting feeling very good about that commission.

Chairman Carter changed the name of the Pleasant Valley Fire Committee to the Fire Commission Committee.

COUNTY ATTORNEY REPORT

There was no attorney report.

PRIORITY CAPITAL IMPROVEMENTS LIST

Steve Willis asked Council to move forward with adopting the Priority Capital Improvement List as the Catawba Regional Council of Governments stated that the deadline for submission is August 15. The primary purpose of this update was to keep the region eligible for EDA funding. He noted that he had not received any suggested changes from Council members.

MOTION was made by Larry Honeycutt that the revised Priority Capital Improvement List submitted by Mike Veard from the COG be approved and forwarded to the Catawba Regional Council of Governments. SECONDED by Kathy Sistare. PASSED 6-0.

RESOLUTION #689

Steve Willis advised that acceptance of the \$1,753,675 grant offer from the U.S. Department of Transportation, Federal Aviation Administration, dated July 16, 2009, to rehabilitate Runway 06/24 needed to be in the form of a resolution.

MOTION was made by Larry Honeycutt to adopt Resolution #689 approving the acceptance of an airport grant and authorizing certain actions related to it; and ratifying and approving actions taken in applying for the airport grant. SECONDED by Larry McCullough. PASSED 6-0.

ORDINANCE READINGS

Ordinance #988 – Ambulance franchise amendment

MOTION was made by Larry Honeycutt to hold 3rd reading of Ordinance #988 amending 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 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 6-0.

Ordinance #982 – Exchange of Land for Parks

Frannie Heizer noted that a public hearing to receive comments concerning this ordinance will be held on August 31 and that the exchange land is now 9.9 acres for 9.9 acres rather than 4.9 for 9.9 as previously thought.

MOTION was made Larry Honeycutt to hold 2nd reading of Ordinance #982 to approve the exchange of a portion of Roy Hardin Park consisting of approximately nine and nine-tenths acres of real property owned by Lancaster County for nine and nine-tenths acres of real property located on Shelly Mullis Road under contract by York Development Group, LLC; to approve an exchange agreement for the properties; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance. SECONDED by Cotton Cole. PASSED 6-0.

Council requested that the developers furnish a complete list in writing of what is going into the new park before 3rd reading.

Ordinance #990 – Moratorium on billboards

MOTION was made by Larry Honeycutt to hold 2nd reading of Ordinance #990 imposing a moratorium on the issuance of permits for billboards in the SC9 corridor and the US521 corridor for one year or, if the Corridor Study is complete in ten months, that Council revisit this again. SECONDED by Kathy Sistare. PASSED 6-0.

Ordinance #991 rezoning 1.76 acres on Highway 200 – Mullis

Elaine Boone advised that Phillip Mullis applied to rezone 1.76 acres of property located on Highway 200 adjacent to Richard Chandler's Body Shop. The applicant would like to build a shop to repair truck equipment. The planning staff recommended approval. The Planning Commission recommended approval by a vote of 7-0.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #991 amending the county zoning map, specifically 1.76 acres of property petitioned by Phillip Mullis located on Highway 200 (tax map 81P, block A, parcel 6) from R-15 Moderate Density Residential/Agricultural District to B-3 General Commercial District. SECONDED by Cotton Cole. PASSED 6-0.

Ordinance #992 rezoning 651 Jim Wilson Road

Elaine Boone explained that Thoroughbred Estates, LLC, applied to rezone property located at 651 Jim Wilson Road from R-15P to B-3 in order to construct an assisted living facility for the elderly on the site. The planning staff recommended denial. Their report stated that an assisted living center is only allowed in a B-3 district. However, once the property is zoned B-3, all allowable uses in that district may be developed on the property, and South Carolina does not have conditional zoning. The Planning Commission recommended denial by a vote of 4-3.

Some Council members were concerned that allowing a B-3 would open it up to many more uses than just an assisted living facility on that property. Deed restrictions were discussed. Frank White, the developer, stated that he is willing to work with the County Attorney and Chris Karres on deed restrictions.

MOTION was made by Larry McCullough to hold first reading of Ordinance #993 amending the county zoning map, specifically property petitioned by Thoroughbred Estates, LLC, located at 651 Jim Wilson Road (tax map 15, parcel 2) from R-15P Moderate Density Residential/Agricultural Panhandle District to B-3 General Commercial District with an approved deed restriction for an assisted living facility. SECONDED by Cotton Cole. PASSED 6-0.

Ordinance #993 amending composition of the Fire Commission

MOTION was made by Cotton Cole to hold first reading of Ordinance #993 amending Section 14-23 of the Lancaster County Code, relating to the composition of the Lancaster County Volunteer Fire Commission, so as reduce the number of members from 20 to 19. SECONDED by Larry McCullough. PASSED 6-0.

Ordinance #994 - Founders Federal fee agreement

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #994 authorizing the execution and delivery of a fee agreement by and between Lancaster County, South Carolina, and Founders Federal Credit Union providing for a payment of a fee-in-lieu of taxes, the provision of an infrastructure credit, and other matters related thereto. SECONDED by Kathy Sistare. PASSED 6-0.

Ordinance #995 amending Special Tax District Uniform Service Charge

Steve Willis explained that this increase was for the Sun City and Belair special tax districts and should have been included in the budget ordinance but was overlooked.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #995 amending the 2009-2010 county budget, Section 7.03 in the Schedule of Fees, to increase the Special Tax District Uniform Service Charge (equivalent residential unit fee for emergency uses) from \$80.00 to \$90.00. SECONDED by Cotton Cole. PASSED 6-0.

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session concerning a contractual matter, a legal matter and an economic development matter. SECONDED by Larry McCullough. PASSED 6-0.

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

As Council came out of executive session, Chairman Carter announced that Council discussed 3 issues, and a motion would be forthcoming on one of the issues. No other action would be taken as a result of executive session.

MOTION was made by Larry Honeycutt to place the dorms on the next agenda as a discussion item and as an action item. SECONDED by Kathy Sistare. PASSED 6-0.

ADJOURNMENT

MOTION was made Larry McCullough to adjourn. SECONDED by Kathy Sistare. PASSED 6-0. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 08-31-2009

Kathy Sistare, Secretary