

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

August 25, 2008

Chairman Carter called the meeting to order at 6:30 p.m. and offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Fred Thomas, Secretary Wesley Grier, Wayne Kersey, Jack Estridge, Fred Thomas, and Larry Honeycutt. Bryan Vaughn was not in attendance due to a death in his family. Also present were Steve Willis, Mike Ey, Irene Plyler, Veronica Thompson, Chris Karres, Jeff Catoe, Jon Hardy, Lanny Bernard, 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

Requests were made to add Resolution #649, add an executive session regarding a potential acquisition of property, and add a motion to remove from the table the ordinance amending the budget to add millage.

MOTION was made by Fred Thomas to approve the agenda as amended. SECONDED by Larry Honeycutt. PASSED 6-0

CITIZENS COMMENTS

John Catalano, Dean of USC-L, spoke about their need for funding. Their budget was cut by the state by \$781,000 this year. He informed Council that he did not request additional funding during budget time as he was assured the House and Senate would come through with the funding. He noted that he would not be asking for the extra millage if it was not a desperate situation.

Rosemary Whitlock, 628 Baker Place Road, 284-2888, knew that during the last Council meeting more deputies were discussed. She felt that the Sheriff's Office cannot stretch itself more than it is. It will take 4-6 years for a new courthouse to be built. They control 560 sq. miles of Lancaster County. They will not be able to keep up patrolling, other duties, and securing buildings without more help.

Rudy Carter read a letter from Griffin Brothers' subsidiary, Mining Road Landfill, whose owners offered to accept any and all demolition and construction debris from the courthouse at their landfill at no charge to the county. Larry Griffin, Sr., and Mike Griffin were both in attendance.

CDBG EDUCATIONAL PROJECT

Steve Willis advised that when this potential project was placed on the agenda, York Tech, through the Catawba Regional Council of Governments, was going to apply for a Community

Development Block Grant Project to put in a nursing program at the Kershaw campus, which is considered a medically underserved area. However, he was notified that they will be pulling this project from this particular round and may apply next year. Ten percent of the cash match would have to come from the sponsoring county and the remaining 15% would be provided by York Tech. This was presented as information for Council.

### SUN CITY ROADS

Steve Willis advised that he met with Jon Hardy and David Cushing from Pulte Homes, and Assistant Public Works Director Jeff Catoe. The Development Agreement that a previous council administered with Pulte states that the county “agrees to accept the dedication of public roads to the road system but only, if at the time of acceptance, the public roads meet or exceed County standards and requirements.” He noted that Pulte will continue to maintain the landscaping, the right-of-way, and medians. Assistant Public Works Director Jeff Catoe advised that the roads were constructed to a standard that exceeds county road standards.

Jon Hardy advised that the roads they are requesting the county to accept at this time is Del Webb Boulevard, which is the main road off Highway 521, and Pods A through F. All the construction along Del Webb Boulevard is complete except 28 small ranch villas near the front entrance close to Highway 521. They have agreed with Jeff Catoe and Steve Willis to saw cut, mill and repair any damage done to the asphalt at the entrance along Del Webb Blvd. once the Pod Y work is complete, which is anticipated to be the second quarter of 2009. He noted that the rear entry of the community off of Van Wyck is the main construction entrance and has been for at least a year and they will continue to use it as the main construction entrance and keep all construction traffic off of Del Webb Blvd. unless a current homeowner has a permit from the county to do work on their home. Pulte is doing everything they can to keep construction traffic on Van Wyck and Sun City Blvd., which they were not asking the county to accept at this time. Council asked for a map showing the location of the roads the county is being asked to take into the county road system. Based on the PDD, no action was needed by Council. This was presented to Council as information only.

### COMMITTEE REPORTS

Fred Thomas advised that a meeting was held regarding the Bretagne Development which has been transferred to another company. The meeting was to introduce the new owners to Council. They are planning to go forward with the development and will follow through with the \$100,000 donation to the library and the \$10,000 donation per home.

### COUNTY ATTORNEY REPORT

The Attorney did not have a report.

### RESOLUTIONS

#### #647 - Brooklyn Avenue Grant

Steve Willis informed Council that the Catawba Regional Council of Governments has advised that the guidelines for the CDBG grant for Brooklyn Springs have changed from last year. This year the funds would be limited to public infrastructure upgrades such as resurfacing Brooklyn Avenue, repairing or replacing sidewalks, installing new signage in the area, etc. There is an option to utilize some of the

match funding for improvements such as building demolitions or lot clearances. The grant is for \$500,000, with a \$125,000 cash match.

MOTION was made by Larry Honeycutt to adopt Resolution #647 committing to funding the Brooklyn Avenue Community Development Block Grant application, requiring a \$125,000 cash match. SECONDED by Fred Thomas. PASSED 6-0.

#648 - Surplus Property – motor grader

Steve Willis advised that a trade-in offer has been made on the old motor grader which would reduce the outlay for the new motor grader. Public Works staff recommended that this be accepted.

MOTION was made by Wayne Kersey to adopt Resolution #648 declaring as surplus property the 1995 Champion motor grader that is no longer needed and authorize staff to accept the trade-in offer. SECONDED by Wesley Grier. PASSED 5-1. Opposed: Jack Estridge.

#649 - CINTAS Corp. Inducement Resolution

MOTION was made by Larry Honeycutt to adopt Inducement Resolution #649 committing Lancaster County to enter into a fee agreement with the CINTAS Corporation, to provide Special Source Revenue Credits; and to authorize other matters related thereto. SECONDED by Wayne Kersey. PASSED 6-0. Steve Willis informed Council that Resolution #649 specifies that an agreement must be signed to use Lancaster's One Stop Office in town to recruit new employees. He wanted it made a matter of record that this is a credit to County Council.

BOARD & COMMISSION APPOINTMENTS

Construction Board of Appeals – MOTION was made by Jack Estridge to appoint Scott Whaley to a 4-year term on the Construction Board of Appeals representing District #6. SECONDED by Fred Thomas. PASSED 6-0.

CONSENT ORDINANCE READINGS

MOTION was made by Fred Thomas to adopt the consent ordinance readings as follows: SECONDED by Wesley Grier. PASSED 6-0.

- 1) 3<sup>rd</sup> reading – Ordinance #938 amending the county zoning map; specifically property petitioned by Ken McManus located on Highway 9 west of Buford Crossroads (tax map 58, parcels 95, 96, 97, 98, 99, 100 & 101) from R-45B Rural Residential/Business /Agricultural District to B-3 General Commercial District.
- 2) 3<sup>rd</sup> reading – Ordinance #939 amending the county zoning map; specifically property petitioned by John McManus located at 2603 Cimmeron Road (tax map 70, parcels 44 & 44.01) from R-45A Rural Residential Agricultural District and R-30D Low Density Residential/Manufactured Housing/Agricultural District to R-30 Low Density Residential/Agricultural District
- 3) 3<sup>rd</sup> reading - Ordinance #940 amending the county zoning map; specifically property petitioned by Charles Mathis located at 1347 Lymon-Reece Road (tax map 81-I, block b, parcel 4.04) from B-2 Community Business District to MF Multiple Family/Agricultural District

- 4) 3<sup>rd</sup> reading – Ordinance #941 amending the county zoning map; specifically property petitioned by Matthew McCoy located at 2303 Thorn Hill Road (tax map 172, parcel 22) from R-45A Rural Residential Agricultural District to B-3 General Commercial District
- 5) 2<sup>nd</sup> reading - Ordinance #942 amending the Lancaster County Code, to bring Section 26-30 into compliance with State law, which will permit only County Council to restrict the use of any road maintained or deeded to the County

#### ORDINANCE READINGS

##### Ordinance #943 – lease purchase - ambulances

MOTION was made by Larry Honeycutt to hold 2<sup>nd</sup> reading of Ordinance #943 authorizing Lancaster County, South Carolina, to enter into a lease purchase transaction relating to the financing of ambulances; authorizing the execution and delivery of an equipment lease purchase agreement in an amount not to exceed \$620,000; and other matters relating thereto. SECONDED by Jack Estridge. PASSED 6-0.

##### Ordinance #944 – Installment purchase – Justice Center

MOTION was made by Wayne Kersey to hold first reading of Ordinance #944 authorizing Lancaster County, South Carolina, to enter into a base lease and conveyance agreement and an installment purchase and use agreement each between the county and SCAGO Public Facilities Corporation for Lancaster County; approving the form and terms of a trust agreement between SCAGO Public Facilities Corporation for Lancaster County and Wells Fargo Bank, N.A., as trustee, in connection with the issuance of certain installment purchase revenue bonds (Lancaster County project) series 2008, or such other appropriate series designation; consenting to the issuance of such installment purchase revenue bonds; authorizing the issuance and sale of general obligation bonds in amounts required to make installment payments; approving the form of a preliminary official statement with respect to such installment purchase revenue bonds; providing for an exemption from the county's procurement policy; delegating authority to the Chairman of County Council and the County Administrator to approve and determine certain matters; and other matters relating thereto. SECONDED by Wesley Grier. PASSED 6-0.

Steve Willis wanted County Council to be aware that as part of this process, there has to be another project. Initially, the Detention Center is being looked at. The county attorneys would need to be notified if Council would prefer a different project.

##### Ordinance #945 – Gillette fee agreement

Mike Ey advised that this is 1<sup>st</sup> reading of an ordinance to approve a proposed fee agreement and infrastructure credit agreement with Gillette. On June 2, Council adopted an Inducement Resolution providing for a fee-in-lieu of Tax Agreement between Lancaster County and Project Waffle, which was the code name for Gillette. This is actually the Duracell expansion project, which is owned by Gillette. They will make a minimum investment of at least \$60 million over a period of 5 years. There will be a Special Source Revenue Credit equal to 25% of the fee payments for the first five years of the fee-in-lieu of tax.

MOTION was made by Wayne Kersey to hold 1<sup>st</sup> reading of Ordinance #945 authorizing the execution and delivery of a fee agreement and an infrastructure credit agreement by and between Lancaster County, South Carolina and the Gillette Company providing for a payment of a fee in lieu of

taxes, the provision of an infrastructure credit, and other matters related thereto. SECONDED by Larry Honeycutt. PASSED 6-0.

Ordinance #946 – BLMK fee agreement (ML Brock)

Mike Ey advised that is first reading of a proposed fee agreement between Lancaster County and BLMK. Council had previously induced this project under the name ML Brock, LLC. This company will be establishing approximately a 48,000 sq. ft. facility, investing \$4.5 million over a 5 year period, and creating at least 18 new full-time jobs.

MOTION was made by Larry Honeycutt to hold 1<sup>st</sup> reading of Ordinance #946 authorizing the execution and delivery of a fee agreement by and between Lancaster County, South Carolina and BLMK, LLC, providing for a payment of a fee in lieu of taxes. SECONDED by Wesley Grier. PASSED 6-0.

Ordinance #947 - Amending 2008-2009 County Budget

MOTION was made by Wesley Grier to remove from the table the ordinance amending the 2008-2009 county budget to increase the millage. SECONDED by Jack Estridge

Steve Willis advised that Chief Justice Toal will be making a visit to Lancaster, possibly this week, to review our security measures. He does not know what more she will be requesting; however, he noted that there is a need for additional deputies for court operations at this time since her order for operational security 24/7 has not been lifted. In order to add deputies, the county will have to increase revenue to pay for recurring expenses. According to Sheriff Cauthen, 6 deputies will be needed for circuit court, 4 for family court, 1 for probate court and 1 deputy or constable for Magistrate's Court. It is estimated that a total cost per deputy would be \$38,000, which includes equipment. If 12 deputies were hired, he noted that the potential initial outlay would be \$816,000 including vehicles.

In addition, he informed Council that the budget ordinance as passed did not include a 0.2 mil increase for USC-L. The 0.2 mil increase is what is allowed by law to account for population growth and inflation. He urged County Council to consider placing the 0.2 mil increase for USC-L.

He asked Council to consider an ordinance for first reading, by title only, to increase the millage by an unspecified amount (until after Chief Justice Toal meets with Lancaster County officials) for additional deputies and security measures associated with court.

After some discussion, Wesley Grier and Jack Estridge withdrew their motion and second.

MOTION was made by Fred Thomas to hold first reading, by title only, of an ordinance to increase the millage by an unspecified amount to cover costs associated with hiring deputies for courtroom security measures. SECONDED by Wesley Grier.

AMENDMENT #1 was made by Wayne Kersey to add a 0.2 mil increase for USC-L. SECONDED by Larry Honeycutt. PASSED 6-0.

AMENDMENT #2 was made by Jack Estridge that we give York Tech the same increase in dollars as USC-L. SECONDED by Wayne Kersey. PASSED 5-1 Opposed: Fred Thomas.

MOTION AS AMENDED PASSED 6-0.

EXECUTIVE SESSION

MOTION was made by Larry Honeycutt to go into executive session to receive information concerning a potential acquisition of property. SECONDED by Wayne Kersey. PASSED 6-0.

MOTION was made by Wayne Kersey to go out of executive session and back into regular meeting. SECONDED by Wesley Grier. PASSED 6-0.

As Council came out of executive session, Chairman Carter announced that Council received information concerning a potential acquisition of property and that a motion would be forthcoming as a result of executive session.

MOTION was made by Larry Honeycutt to allow staff and the county attorney to begin negotiations with the owners for potential acquisition of property. SECONDED by Wayne Kersey. PASSED 6-0.

ADJOURNMENT

MOTION was made by Wayne Kersey to adjourn. SECONDED by Wesley Grier. PASSED 6-0.

The meeting adjourned at 8:19 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 09-08-2008

---

Wesley Grier, Secretary