

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

August 31, 2009

Chairman Rudy Carter called the meeting to order on Monday, August 31, at 6:00 p.m. and 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, Mike Ey, Veronica Thompson, Irene Plyler, Chris Karres, Penelope Karagounis, James Bennett, Chad Catledge, Sharon Novinger, Charlene McGriff, Frankie Faile, Ernie Greene, 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

Larry Honeycutt requested that ordinance #982 be removed from the agenda, and that eliminating the rent for Hope of Lancaster be added as a discussion item. Jack Estridge requested that weekend right-of-way cutting be added as a discussion item.

MOTION was made by Larry Honeycutt that Ordinance #992 be tabled until further notice. SECONDED by Kathy Sistare. PASSED 6-0.

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

SPECIAL RECOGNITIONS

Ernie Greene from York Tech introduced 7 of the 15 graduates from the first customer service specialist class. He thanked the Workforce Investment Board, of which the Chairman and some of the board members were in attendance, for helping to get this class started.

PUBLIC HEARINGS

Ordinance #990 – Billboards

MOTION was made by Kathy Sistare to go into public hearing to receive comments from the public concerning Ordinance #990 imposing a moratorium on the issuance of permits for billboards in the SC9 corridor and the US521 Corridor. SECONDED by Larry Honeycutt. PASSED 6-0.

Randy Collins, 1242 West Manor Dr., 803-283-7997, spoke in opposition to the moratorium as he felt that the lack of being able to advertise will hurt both the consumer and the seller's business. He felt that billboards create a lot of jobs.

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

Ordinance #982 – Roy Hardin Park land exchange

MOTION was made by Cotton Cole to go into public hearing to receive comments from the public concerning 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 Doby's Bridge Road Development Partners, 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 Larry Honeycutt. PASSED 6-0.

Jane Tanner, 7041 Whittingham Drive, Indian Land, asked whether the Doby's Bridge Road Development Partners was a new group since it was a different name. Mike Ey advised that a new legal entity was formed to facilitate the transaction, but they are the same people.

Larry Honeycutt reminded the developers that Council had asked for a list of everything that will be going into the new Roy Hardin Park but have not received it as yet. Council asked that it be provided by the next meeting.

MOTION was made by Kathy Sistare to go out of public hearing and back into regular session. SECONDED by Larry McCullough. PASSED 6-0.

Ordinance #985 amending special fee for IL fire district

MOTION was made by Larry Honeycutt to go into public hearing to receive comments from the public concerning Ordinance #985 relating to the Lancaster County budget for the fiscal year beginning July 1, 2009, so as to increase the uniform service charge from \$80.00 to \$90.00 per equivalent residential unit. SECONDED by Cotton Cole. PASSED 6-0.

Linda Rogers from the Belair community asked whether adequate projections have been made and will the \$90 fee go up again. She felt that down the road they may need more than two firemen. She was advised that County Council was confident that the \$90 would be sufficient since homes in that district are still being built. According to the ordinance adopted, \$90 is the most that can be charged.

Jack Radcliff, a resident of Sun City, wanted to know the hours the paid firemen worked. He was advised that they work 8 am to 5 pm Monday through Friday, but that the evening and weekend hours are covered by volunteers.

Jane Tanner, President of the Indian Land Action Council, wanted to know if the \$90 went directly to the Indian Land Fire Department. She was advised that the money is funneled through the county and is set aside in a special fund to cover the firefighters who work in the Indian Land Fire District and cannot be used for any other purpose.

A gentleman from the Glen Laurel Subdivision asked whether the area the firefighters respond to were limited and whether this money included EMS. They were advised that EMS does not receive any of these funds and that the firefighters from the Indian Land Fire Dept. cover the entire Indian Land Fire District.

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

CITIZENS COMMENTS

Dennis Patti, 6419 Stirling Lane, Indian Land, 803-548-4875, a resident of the Belair subdivision, spoke in opposition to the rezoning on Jim Wilson Road. He felt that an assisted living community in that area would be a good neighbor, but was concerned about the B-3 General Commercial District and what would happen if someone else wanted to rezone along that road. He felt that R-15 with a variance to include an assisted living facility would be better.

David Strickland, 9123 Andrew Lane, Indian Land, 803-984-2914, a resident of the Belair subdivision, felt that County Council should put the rezoning on Jim Wilson Road on hold or vote it down and bring it back as an R-15. Felt it would be a mistake to rezone it to B-3.

Rob McCoy, 2460 Fork Hill Road, Heath Springs, 803-577-9770, was in opposition to relaxing the sign ordinance. Felt signs do not look as bad as empty homes or businesses. He would like to see a plan put in place that would allow signs to be temporarily placed by businesses, and when employment drops down to 10%, then consider putting restrictions into place. Signs help businesses.

Linda Singer, 9119 Andrew Lane, 704-361-1826, spoke in opposition to the rezoning on Jim Wilson Road to B-3 as Jim Wilson Road is a residential area. She agrees that R-15 would suit the area better.

Jane Tanner, 7041 Whittingham Drive, Indian Land, is the president of the Indian Land Action Council and spoke on their behalf in opposition to the rezoning on Jim Wilson Road. She also commented on billboards. She felt that they are needed, but should not be placed too close to each other.

William T. Murphy, 110 Truesdale St., Heath Springs, 803-273-2581, spoke about the road congestion at the Heath Springs Elementary school when students are being dropped off and picked up each day. This is also the road leading to the convenience site. The road being narrow makes it almost impossible for cars to get by since cars are parked along the road. He asked whether it would be possible to get that road widened so that it could have two lanes of traffic. He was advised that it is a state road. The Administrator was asked to contact the Highway Commissioner to see if something could be done. Charlene McGriff, Chairman of the School Board, was in attendance and advised Mr. Murphy to contact Dr. Moore, the Superintendent of Education.

Poppy Simpson, 2009 Zion Road, 285-7740, is the petitioner for the rezoning on Country Meadows Road and would like it rezoned for a residence.

Bob Yoder, 8087 Van Wyck Road, 289-9166, spoke about the ordinance on tonight's agenda regarding buffers along the Catawba River. Felt it would be a burden to homeowners who have lived there for years. He felt the landowners should be left alone, but when developers come in, that is when something should be done. Suggested County Council study this further.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, advised Council that he has a blog on which he will make information available to the residents of Lancaster County quickly.

Sal Hazelove, Jr., 4048 Buckingham Dr., Indian Land, 803-547-2591, thanked County Council for tabling the ordinance to rezone property on Jim Wilson Road.

Lisa Walker, 5073 Timber Falls Drive, Indian Land, 803-396-8844, a resident of Legacy Park, spoke about the possible ordinance to relax signs. She opened Liberty Tax in Indian Land and feels advertising is necessary. Encouraged County Council to relax the sign ordinance.

Al Allison, P.O. Box 35628, 2527 Monmouth Lane, Charlotte, NC, 704-376-7535, owns property on Porter Ranch road. He kayaks and fishes in the river and spends a lot of time in Lancaster County. He understands the needs for buffers, but is not sure that everything that is in the ordinance should be done. Asked County Council to study this carefully.

Ms. Pat Morosky, 12042 Dunipace Court, 704-617-2185, a resident of the Belair subdivision, asked whether Jim Wilson Road will be widened in the future. She also asked that they be given prior notice before any more buildings are put along that road.

Ron Hutchinson, 5237 Firewater Lane, 803-548-5116, complained about an eyesore located at 8767 Charlotte Highway, which faces them and their neighbors when they come out of their development, Hanover Crossings. This property is never maintained and the weeds and grass are out of control. Feels that whoever owns this property should board it up.

HOPE OF LANCASTER RENT

Councilman Larry Honeycutt recommended that the rent for HOPE of Lancaster be waived through June 30, 2011, since the requests for assistance from the citizens for the county have increased tremendously.

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

ENERGY SAVINGS PROJECT

James Bennett from ESG reported on the progress of the county's energy savings project. He introduced Marion Connelly who is overseeing the project here in Lancaster. They have completed the lighting and will be presenting a check to Lancaster County for \$600 to \$800 soon. They are about 80% complete on the HVAC. He advised that, hopefully, they should have two checks for Lancaster County next month.

NEW COURTHOUSE PROJECT

Chad Catledge, the County Project Manager for the new and old courthouse, updated Council on the progress of the historic courthouse and the new courthouse.

Historic courthouse- phase 1 was completed last week. Phase 2, the interior, was started about 2 weeks ago and is being handled by Jody Munnerlyn. The steep front steps have been removed because they did not meet code and were dangerous. He estimates this project should be finished sometime between January and March of 2010.

New courthouse – Chad introduced Danny Mullis from BE&K, the project manager. The grading of the land will start in September and should be finished in November. They estimate the project should be complete during the first quarter of 2011.

YOUTH CONFERENCE

Sharon Novinger and Charlene McGriff explained that for the past two years, a Lancaster Coalition for Healthy Youth Prevention Conference was held at USC-L and will be held again this October 14th through the 16th. Last year, County Council monetarily assisted them with the conference and they again requested that the county provide funding in the amount of \$10,000. The focus will be on underage drinking. They noted that over 200 participated last year. They received a \$30,000 grant from the US Department of Health and Human Services to put on this conference, but need extra funding for incidentals, snacks, etc.

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

USC-L DORMITORY FACILITIES

Frankie Faile, Chairman of the Educational Foundation of the University of South Carolina at Lancaster, explained that USC, Columbia, does not see a need for student housing at its 2-year non-degree branches and, consequently, does not support or finance housing projects at its regional campuses. The Educational Foundation has property across from Hubbard Hall and has agreed to seek funding to provide student housing outside of the University of South Carolina system. The proposed project will be to install housing in three phases. Each phase will contain two complexes containing 48 apartments housing 188 students. Mr. Faile explained that in order to make application to the US Department of Agriculture's FHA Loan Program, an authorized issuer of bonds to serve as the agent for the issuance of revenue bonds needs to be identified. Therefore, the Educational Foundation requested that Lancaster County participate as the conduit issuer of revenue bonds in connection with the construction of the dormitory facilities. The financing will be a revenue type endeavor with no obligation on the county's part, and the county will not be required to collect the money. A resolution agreeing to this was adopted later in the meeting.

ROADS – FIRETHORNE

Steve Willis advised that a request was received from Dave Ott from the Firethorne Home Owner's Association to have the few roads in the development, which include Carnoustie Court, St. Andrews Court, and a portion of Shinnecock Lane on the South Carolina side of this development, accepted into the Lancaster County road system. The majority of this subdivision is in Union County, NC, and those roads are Union County public roads. Mr. Ott stated in his request that the Homeowners Association had been under the impression since June of 2006 that the SC roads were accepted in January of 2002, as they have a letter from the Public Works Director in 2002 indicating the roads met county standards, which made them think that the roads were accepted. However, the developer never proceeded to seek Council adoption. Jeff Catoe, Assistant Public Works Director, advised that the roads do not meet the specifications that are now in existence, but the roads are 10 years old. He further stated that the roads are in fairly good condition with just a few sections that may need some attention. The estimated cost to repair them was \$80,000-\$85,000.

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

RIVERCHASE AMENDED DEVELOPMENT SCHEDULE

Mike Ey wanted to remind County Council that there was a time period in which Council can act upon the requested change in the Riverchase development schedule and, if no action is taken, the schedule will automatically be accepted. Council accepted this as information and took no action.

SIGN ORDINANCE

Cotton Cole asked that discussion of the sign ordinance be placed on the agenda. He noted that large businesses have had signs along the road announcing their grand openings. Small businesses are trying to stay afloat and he felt they should be allowed to put signs out announcing their businesses or specials, as small businesses need to advertise. He noted that the signs to be used would be professionally made and will be maintained. The small businesses are willing to pay extra for a permit to allow them to do this. Chris Karres informed Council that a lot of temporary signs are allowed and felt that extending the time frames is what should be changed. Chris Karres asked for clarification as to what Council wanted changed.

Larry McCullough suggested that the Chairman form a committee to come up with suggestions.

Chairman Carter appointed the committee as follows: Chairing the committee would be Cotton Cole. Committee: Jack Estridge, Larry McCullough, Rob McCoy, Lisa Walker, Dean Faile, Randy Collins, and serving in an ex-officio position would be Chris Karres. The committee was asked to draw up a proposal to submit to the Planning Commission to review.

RIGHT-OF-WAY CUTTINGS

Jack Estridge wanted to discuss the fact that the Public Works Dept. does not have enough labor to get work done at public works because they get pulled off their jobs to do other things. Roadside cutting is one job that has been set aside. He felt that Council should appropriate money to pay those folks overtime to work on weekends to get caught up on roadside cutting. The County Administrator was asked to get a cost estimate for working the crews on 4 weekends. He was asked to submit this information to Council during the next meeting. Darin Robinson, Public Works Director, said this will help, but a long-term solution was needed.

APPROVAL OF MINUTES

Cotton Cole asked that page 3 of the August 10 minutes under committee reports be amended as he did not attend the Fire Commission meeting. Those who attended were Jack Estridge, Larry Honeycutt, and Kathy Sistare.

MOTION was made by Larry Honeycutt to approve the minutes of the July 27 and August 10, 2009, County Council meetings as corrected. SECONDED by Larry McCullough. PASSED 6-0.

MONTHLY FINANCE REPORT

Veronica Thompson presented Council with the finance report for month ending July 31, 2009. Because of the time of year, there was a net decrease of \$1.4 million in the fund balance. She expected that to continue until November, which is when the tax revenues start coming in. She pointed out that this is the reason why it is important to have a healthy fund balance. She reported that the fund balance is now \$15.3 million, of which \$12.3 million is unreserved.

COUNCIL COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

There was no attorney report.

POTENTIAL PROJECTS

Steve Willis presented Council with funding information for two potential projects:

Airport terminal and office complex – During the last meeting Steve Willis 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 would 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, which would be repaid through an increase in the debt service millage which is calculated annually by the Auditor and Treasurer. Steve Willis suggested that if Council wants to move forward with this project, that the cost of plan development be included in the bond costs. County Council was of the consensus that the county cannot afford a new airport terminal at this time.

Gills Creek Drive Bridge – During the last meeting 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. 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. Steve Willis suggested that Council ask the CTC to fund this study. He suggested that funding for this project should not come from the Contingency line item or from the Undesignated Fund Balance.

MOTION was made by Cotton Cole to ask the CTC to consider funding the \$10,000 to have an engineering study conducted by Keck & Woods pertaining to the Gills Creek Drive bridge. SECONDED by Larry Honeycutt. PASSED 6-0.

RESOLUTIONS

#690 - Dave Lyle Boulevard

MOTION was made by Larry Honeycutt to adopt Resolution #690 approving participating with York County Council in submitting an application for funding to the State Infrastructure Bank regarding the proposed extension of Dave Lyle Boulevard. SECONDED by Kathy Sistare. PASSED 4-2. Opposed: Jack Estridge, Cotton Cole.

#691 - USC-L dormitory facilities

MOTION was made by Larry Honeycutt to adopt Resolution #691 authorizing submission of an application to the US Department of Agriculture's Federal Housing Administration Loan Program in connection with dormitory facilities to be used by students attending the University of South Carolina at Lancaster. SECONDED by Cotton Cole. PASSED 6-0

ORDINANCE READINGS

Consent Ordinances

MOTION was made by Larry Honeycutt to adopt the consent ordinances as listed below. SECONDED by Cotton Cole. PASSED 6-0

- 3rd reading - Ordinance #990 – Moratorium on billboards in the South Carolina #9 corridor and the US #521 Corridor.
- 2nd reading - Ordinance #991 - rezoning 1.76 acres on Highway 200 (tax map 81P, block A, parcel 6) from R-15 Moderate Density Residential/Agricultural District to B-3 General Commercial District – Phillip Mullis
- 2nd reading - Ordinance #993 amending Section 14-23 of the Lancaster County Code, which will amend the composition of the Fire Commission by reducing the number of members from 20 to 19.

Ordinance #994 - Founders Federal fee agreement

MOTION was made by Larry Honeycutt to hold 2nd 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 Jack Estridge. PASSED 6-0.

Ordinance #995 amending Special Tax District Uniform Service Charge

MOTION was made by Larry Honeycutt to hold 2nd 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.

Ordinance #996 – rezoning Country Meadows Road

Penelope Karagounis advised that Jeffery Simpson applied to rezone a 2.506 acre portion of 5.013 acres of property located at the end of Country Meadows Road in order to place a doublewide mobile home on the property to use as their residence. The planning staff recommended approval because there are other manufactured homes in the area. The Planning Commission recommended approval by a vote of 4-0.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #996 amending the county zoning map; specifically 2.5 acres of property located at the end of Country Meadows Road (part of tax map 60, parcel 9) 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.

Ordinance amending UDO - Catawba River Streamside Management - **tabled**

Chris Karres advised that this text amendment was initiated so that the future property owners of land with frontage on the Catawba River would have a means to know that the land they are purchasing falls under the requirements of Section 12.11.5, Catawba River Streamside Management area. He explained that notes on a final plat are a good means to let property owners know that certain requirements apply to their land. He informed Council that the second part of the text amendment is needed because many of the larger plats in the Register of Deeds Office are missing from the files. The smaller plats (paper size 11x17 or smaller) are scanned by the Register of Deeds but that office does not have the ability to scan the larger plats. The people using these plats are taking them out of the office with the hard copies and not returning the plats. This amendment would help the Register of Deeds keep better records, which is important to the citizens of the county. Staff recommended approval. The Planning Commission recommended approval by a vote of 6-1. (see motion below)

Ordinance creating requirements for streamside management areas - **tabled**

Chris Karres advised that the proposed text change to the UDO would create the requirements for streamside management areas along the Catawba and along all perennial streams which flow directly into the river. The streamside management areas along the Catawba River would have a width of 100 feet on both banks of the river and 50 feet along the perennial streams which flow into the river. He explained that the planning staff believes the creation of this streamside management is important to the future of the County. It should help maintain or improve the water quality in the county's rivers, creeks, streams, ponds, and lakes by reducing the amount of pollutants and nutrients which wash into the county's water supply; stabilize the stream banks and adjacent lands; reduce flooding by helping to control the speed of runoff, and preserve aquatic life and historic and scenic areas. The planning staff recommended approval because it will benefit the residents of Lancaster County and its municipalities by at least maintaining the quality of the water in the County's water bodies, potentially reducing the amount of land within the county and its municipalities which are subject to flooding, and preserving the natural beauty of the county. Additionally, by at least maintaining the quality of the water in our rivers and by reducing the amount of runoff which may reach the Catawba River, Lancaster County will be benefiting the residents of adjacent counties who live adjacent to the river or down the river from us. The Planning Commission recommended approval by a vote of 6-1 with the following change: a clarification being added on how far up the perennial streams the management area would apply.

MOTION was made by Cotton Cole to table until further notice the 1st reading of the ordinance amending the text of the UDO; specifically Section 13.8.3, Final Plat, to add a note on any plat involving a parcel of land which has frontage on the Catawba River stating the property is located in the Catawba River Streamside Management Area; requiring that a not-to-scale drawing of the buffers along the Catawba River and perennial stream be shown on the plat; and requiring two digital copies of final plats, and also table the 1st reading of the ordinance amending the text of the UDO to create the requirements for streamside management areas along the Catawba and along all perennial streams which flow directly into the river. SECONDED by Kathy Sistare. PASSED 5-1. Opposed: Jack Estridge

After some discussion, Chris Karres was instructed to take this back to the Planning Commission. They wanted the ordinance to be rewritten to exempt current landowners from having to meet the requirements of this ordinance.

EXECUTIVE SESSION

MOTION was made by Larry Honeycutt to go into executive session concerning a contractual matter, a legal matter and an security matter. SECONDED by Cotton Cole. 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 announced that Council discussed three issues, and a motion would be forthcoming. No other action would be taken as a result of executive session.

MOTION was made by Cotton Cole to allow the County Administrator to move forward with the planning of a task force office with financing details to be made at the next meeting. He is further authorized to bring into complete compliance the DSS/Health Department alarm system. SECONDED by Larry Honeycutt. PASSED 6-0.

ADJOURNMENT

MOTION was made Larry Honeycutt to adjourn. SECONDED by Kathy Sistare. PASSED 6-0. The meeting adjourned at 10.24 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 09-28-2009

Kathy Sistare, Secretary