

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

September 8, 2008

Chairman Carter called the meeting to order at 6:00 p.m. Wesley Grier 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, Frannie Heizer, Veronica Thompson, Chris Karres, and three 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 #655 establishing a Local Option Sales Tax Credit Factor, an executive session regarding land acquisition, and remove item #7(e) regarding discussion of billboards.

MOTION was made by Fred Thomas to approve the agenda as amended. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

CITIZENS COMMENTS

John Catalano, Dean of USC-L, thanked Council for the proposal to add .2 mil to their millage and updated Council on enrollments at USC-L, which is up 21.8% over last year and had gone up 22% last year.

Mary Reimers, 2007 Greenpeach Road, wanted to dispel rumors that the Humane Society has disbanded. Three members have regrouped and formed their own organization known as the Humane Society of Lancaster SC. They filed and received their Certificate of Incorporation as a non-profit organization in the state of SC and are going ahead to file for their 501(c)(3). They visit the shelter weekly. She spoke about a program they would like to set up for adoption of animals. They asked the county for permission to continue upgrading the shelter's website to make sure all pets are shown.

Dawn Wagner, 305 W. Shiloh Unity Road, is a board member of the Humane Society of Lancaster SC. Wanted to bring to Council's attention that a spay/neuter program needs to be put in place in Lancaster County. A fund is available, called the Magic Fund, which would grant \$200,000 to the county to assist with spay/neutering if we show we can qualify. One of the requirements is to have 3 years verifiable data of the shelter's euthanasia rating by zip code (17,000 records). Because we are not computerized, there is no way this data can be gathered. She stated that they have free software resource available to get the shelter up to standard and computerized. However, the qualifications for receiving this software is based upon committing to using micro chipping and registering all pets adopted out through

the local shelter. They requested the opportunity to assist with this project and manage the data base for the county.

Brandy Sweisberger, 2215 Ross Cauthen Road, is a member of the Humane Society of Lancaster SC. She spoke about a program that Newberry County has adopted and the director has offered to come to Lancaster to go over their program.

Donnie Birchfield, 1758 Bardelle Street, spoke about the cost of the proposed new courthouse. He has an issue with Council with moving forward with plans to make it a \$33 million deal. Feels like they are getting this pushed down their throats.

Alan Patterson, 206 Patterson Lane, Indian Land, spoke on behalf of the Pleasant Valley Fire District. The Fire District has been working with property owners regarding a donation/purchase land deal for several months. On August 8, they finalized details of the deal and a contract to purchase the property was provided to them. One of the conditions of the land deal is that the seller needs to close this purchase by Dec. 15, 2008. If not done by that date, then fire district would lose the donation portion. The contract was sent to the County Administrator and County Attorney on August 11, but have not yet heard any comments or replies, and asked Council for their help in getting this expedited.

UDO PARKING OF VEHICLES

Steve Willis advised that the issue of tractor-trailer parking in residential areas has been brought to his attention. Building and Zoning has not been enforcing that section because, many years ago when several tractor-trailer drivers appeared before Council, there was a consensus of County Council to not enforce Section 11.15 of the UDO. Since it has not officially been repealed and remains on the books, he directed the Code Enforcement Officers to enforce it, but wanted to bring this to Council's attention and ask whether they wanted to take action to repeal this section. Steve Willis advised that the current code says that the parking or storage of tractor trailer rigs and/or cabs is not permitted in any residential district except for the R-45A or R-45B so it's basically north that would not allow this. Chris Karres to take section 11.15 to the Planning Commission to review.

PART TIME ANIMAL INFORMATION TECHNICIAN

Steve Willis advised that the Lancaster Humane Society recently disbanded. They had been handling posting information on the County website related to animal adoption information. He requested that the funding formerly allotted to the Humane Society for this function (\$100/month) be reallocated to a part-time Animal Adoption Information Technician who would work for Animal Control and be responsible to the Director Joel Hinson.

MOTION was made by Fred Thomas to move this to an action item at the next meeting.
SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

AIRPORT RUNWAY PROJECT

Steve Willis presented Council, for their information, the proposal for the next phase (resurfacing runway and lighting project) of the FAA work at the Lancaster County Airport, which is scheduled for 2009. The county would proceed with the engineer and be reimbursed from the federal funds already earmarked for this project. He advised that he will proceed with having the SC Aeronautics Division review the proposal and then accept them on behalf of Lancaster County, if County Council has no

objections. He reminded Council that they had already approved LPA to handle this work. There were no objections or concerns from Council members.

MOISTURE PROBLEM AT OLD JAIL

Steve Willis presented Council with a proposal from Architect Jody Munnerlyn to have an analysis performed at the old jail for a recurring moisture problems. He noted that alternatives need to be investigated regarding stopping the moisture infiltration and steps must be taken to mitigate the damage that has already occurred over the years (rotting wood and peeling paint). He requested permission to move forward with this study with funding to come from the Contingency Fund (cost not to exceed \$4216.00 per Jody Munnerlyn). Chairman advised that this would be moved to an action item on the next agenda.

COMMITTEE REPORTS

There were no committee reports.

MONTHLY FINANCE REPORT

Veronica Thompson reviewed the monthly report for month ending July 31, 2008. Council accepted this as information.

COUNTY ATTORNEY REPORT

The Attorney did not have a report.

ENERGY SAVINGS PROJECT

Steve Willis advised that he had asked Planning Director Chris Karres, Finance Director Veronica Thompson, and Building & Grounds Director Jimmy Barton to review both proposals (Energy Savings Group and Johnson Controls) and give Council their recommendation on this project.

Chris Karres advised that they reviewed both proposals and presented Council with a written summary of their recommendation. Jimmy Barton was absent this evening, but Chris Karres advised that Mr. Barton's recommendation was ESG because of the amount of time they spent with him reviewing all of the county buildings in order to prepare their proposal. Johnson Controls only visited a few buildings and did not ask significant questions that ESG asked of him. The entire proposal was reviewed and each segment compared. They called each company when questions arose and called other counties who had used each of their services to get references. They found that both companies were fairly equal and, basically, both companies are offering the same benefits.

It was noted by a Council member that, during the presentation, ESG stated they would get local companies to bid on the projects (heating & air conditioning, etc.) and Johnson Controls would have everything coming in from outside of Lancaster County.

Chairman Carter asked for Council for a show of hands if they were in favor of hiring Johnson Controls or were in favor of hiring ESG. A motion was then in order.

MOTION was made by Larry Honeycutt to hire ESG to perform the Energy Savings Project for Lancaster County. SECONDED by Wayne Kersey. For: Bryan Vaughn, Wayne Kersey, Rudy Carter, Larry Honeycutt. Opposed: Jack Estridge, Fred Thomas, Wesley Grier.

PRIORITY CAPITAL IMPROVEMENTS LIST

Steve Willis advised that a letter from the Catawba Regional Council of Governments arrived asking Council to review and make any needed additions or deletions to the Priority Capital Improvements list.

MOTION was made by Fred Thomas to approve an amended Priority Capital Improvements List with the addition that intersections in front of schools should be added as the last item on the list. SECONDED by Wesley Grier. PASSED 5-1. For: Fred Thomas, Wesley Grier, Rudy Carter, Larry Honeycutt, Jack Estridge. Opposed: Wayne Kersey. Bryan Vaughn recused himself from vote because of his employment with the school system.

APPROVAL OF MINUTES

MOTION was made by Fred Thomas to approve the minutes of the July 28, August 5, August 11, August 13, August 18, and August 25 County Council meetings. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

RESOLUTIONS

#650 – Sun City Roads

MOTION was made by Bryan Vaughn to adopt Resolution #650 accepting roads within Sun City into the County road system. SECONDED by Fred Thomas. PASSED 6-1. Opposed: Wayne Kersey

#651 - 2008 Edenmoor Assessment Roll

MOTION was made by Larry Honeycutt to adopt Resolution #651 approving the updated 2008 Assessment Roll for the Edenmoor Improvement District. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

#652 – 2008 Edgewater Assessment Roll

MOTION was made by Fred Thomas to adopt Resolution #652 approving the updated 2008 Assessment Roll for the Edgewater Improvement District. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#653 – 2008 Sun City Assessment Roll

MOTION was made by Fred Thomas to adopt Resolution #653 approving the updated 2008 Assessment Roll for the Sun City Carolina Lakes Improvement District. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

#654 Brooklyn Avenue Revitalization CDBG

MOTION was made by Fred Thomas to adopt Resolution #654 agreeing to provide a 25% match for the Brooklyn Avenue Revitalization Community Development Block Grant. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#655 – Local Option Sales Tax Credit

MOTION was made by Fred Thomas to adopt Resolution #655 establishing the Local Option Sales Tax Credit Factor for 2008-2009. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

ORDINANCE READINGS

Ordinance #942 amending County Code

MOTION was made by Wayne Kersey to hold 3rd reading of 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. SECONDED by Jack Estridge. PASSED 6-0. Wesley Grier absent during vote.

Ordinance #943 – lease purchase - ambulances

MOTION was made by Larry Honeycutt to hold 3rd 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 Wayne Kersey. PASSED 6-0. Absent during vote – Wesley Grier

Ordinance #945 – Gillette fee agreement

MOTION was made by Larry Honeycutt to hold 2nd 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 Fred Thomas. PASSED 6-0. Absent during vote: Wesley Grier

Ordinance #946 – BLMK fee agreement (ML Brock)

MOTION was made by Larry Honeycutt to hold 2nd 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 Fred Thomas. PASSED 6-0. Absent during vote: Wesley Grier

Ordinance #947 - Amending 2008-2009 County Budget

MOTION was made by Larry Honeycutt to hold 2nd reading, of Ordinance #947 amending Ordinance #920, Section 4, relating to the levying of taxes for the fiscal year beginning July 1, 2008, so as to increase the millage rate imposed for the General Fund and USC-L; and to suspend the millage rate limitation because of a catastrophic event and to increase the millage rate to address funding

needs arising from the catastrophic event. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

After a lengthy discussion, Council adopted the ordinance based on the court order dated 9/12/2008. The budget for 2008-2009 was amended by increasing millage by 3.5 mills.

Ordinance #949 – rezoning 6686 Waxhaw Highway

Penelope Karagounis advised that Michael Terrell applied to rezone property located at 6686 Waxhaw Highway from B-2 Community Business District to B-3 General Commercial District in order to open a landscape supply/outdoor storage business in the vacant warehouse building on the property. The planning staff recommended denial as this rezoning would allow more intense commercial uses on the site and would allow for outdoor storage of merchandise and materials. This does not comply with the future land use map for the area. The present zoning of B-2 does not allow for outdoor storage of merchandise and materials. The Planning Commission recommended approval by a vote of 5-1.

MOTION was made by Bryan Vaughn to hold first reading of Ordinance #949 amending the county zoning map, specifically property petitioned by Michael Terrell located at 6686 Waxhaw Highway (tax map 20, parcel 4) from B-2 Community Business District to B-3 General Commercial District. SECONDED BY Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #950 – rezoning 1806 Airport Road

Penelope Karagounis advised that Glenda Wright applied to rezone property located at 1806 Airport Road from R-15 to B-3 in order to convert the single family home to a day care. The planning staff recommended denial as the rezoning would not comply with the future land use map for the area, which is designated as high density residential. The Planning Commission recommended approval by a vote of 5-1.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #950 amending the county zoning map; specifically property petitioned by Glenda Wright located at 1806 Airport Road (tax map 86E, block C, parcel 5) from R-15 Moderate Density Residential/Agricultural District to B-3 General Commercial District. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

Ordinance #948 – Joint Industrial Park with Chesterfield

Frannie Heizer advised that Chesterfield County has requested this ordinance. A multi county park will be located in Chesterfield and they are asking Lancaster County to be a partner.

MOTION was made by Fred Thomas to hold first reading of Ordinance #948 authorizing the joint development of an industrial and business park to be geographically located in Chesterfield County (designated as the “Carolina Centre Industrial Park”); to approve a written agreement for the development of the park; to provide for the imposition of a fee-in-lieu of tax within the park; to provide for the sharing of park expenses and the allocation and distribution of park revenues; and to provide for other matters related there. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Wayne Kersey to go into executive session to discuss possible acquisition of property. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

MOTION was made by Bryan Vaughn to go out of executive session and back into regular meeting. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

As Council came out of executive session, Chairman Carter announced that Council received information concerning a potential acquisition of property and that no motion would be forthcoming as a result of executive session.

ADJOURNMENT

MOTION was made by Fred Thomas to adjourn. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council
(minutes taken by Chris Karres in the Clerk's
absence)

Approved by Council 10-27-2008

Wesley Grier, Secretary