

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

September 30, 2008

EXECUTIVE SESSION

Chairman Carter called the meeting to order at 5:30 p.m.

MOTION was made by Fred Thomas to go into executive session concerning an economic development issue. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

REGULAR MEETING

Chairman Carter call the meeting back to order at 6:00 p.m.

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

As Council came out of executive session, Chairman Carter advised that Council discussed one economic development issue and no motion would be forthcoming as a result of executive session.

County Council members present were Chairman Rudy Carter, Vice-Chairman Fred Thomas, Secretary Wesley Grier, Wayne Kersey, Jack Estridge, Fred Thomas, Bryan Vaughn, and Larry Honeycutt. Also present were Steve Willis, Frannie Heizer, Veronica Thompson, Irene Plyler, Chris Karres, Penelope Karagounis, Elaine Boone, Keith Tunnell, 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.

Larry Honeycutt offered the invocation.

Chairman Carter recognized Boy Scout Troop 180 and their leaders from St Luke Methodist Church.

AGENDA APPROVAL

Requests were made to remove two ordinance readings (agenda items 12-k-5&6) and to add a presentation from Sherron Marshall from the Catawba Regional Council of Governments.

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

CITIZENS COMMENTS

Rosemary Whitlock, 628 Baker Place Road, 285-2888, wanted to learn more about the proposed parking deck next to the County Administration Building and asked for its proposed location. When trying to revitalize Main Street, planners came in from Columbia and stressed that the entrance to the City is very important. She didn't feel like a concrete parking deck will be attractive. She was advised that no final decisions have been made, that these are preliminary plans.

William Snipes, 550 Rock Springs Road, 285-3403, was the petitioner for the rezoning on Brooklyn Avenue. He has some buyers who want to put apartments in if that property is rezoned. The property is being destroyed the way it is now. Asked for Council's consideration of this rezoning request.

Catawba Regional Council of Governments - Grant

Sherron Marshall advised that they would like to submit an application for a grant with the Sims Foundation to provide non-emergency transportation for non-Medicaid residents of Lancaster County to their medical appointments for a small fee. The program would be operated by the Council on Aging. It has been developed to be very similar to a Dial-A-Ride Program. Proposing that the application be connected with the Council on Aging because they would operate the program. If funded, it would start in March 2009 for 3 years. No cash match is needed for this grant. Chairman Carter asked that this be moved to an action item on the next agenda.

CONSENT INFORMATION

MOTION was made by Wayne Kersey to approve the consent action items as follows:

- 1) Received information on the 100% grant match awarded to the Sheriff's Office to work gang enforcement
- 2) Ordinance postponing reassessment for one year. This to be placed on the next agenda for first reading.

RURAL INFRASTRUCTURE FUNDS

Steve Willis advised he has been advised the Keith Tunnell that the time period to complete the METSO incentive package has been reached. A part of that package was a \$100,000 payment from Rural Infrastructure Fund payments by an area utility (Comporium). The payment is being processed, but that payment process will not be completed until December 2008. Lancaster County has been asked to advance the \$100,000 payment to METSO. A letter from the utility company guaranteeing payment would be requested prior to making the disbursement. Steve Willis recommended the advance payment be made and requested County Council's approval. This was also an action item on this agenda. See below.

CAROLINA HEELSPLITTER

Chris Karres reviewed the changes being proposed. The initial resolution adopted in January authorized Council to file an application with the Planning Commission to amend the UDO to create a Carolina Heelsplitter Overlay District in the Six-Mile Creek drainage basin, rezone property by adding the overlay district to the underlying zoning district and to immediately enforce the regulations of the Carolina Heelsplitter Overlay District based on the pending ordinance. As part of the resolution, Council created a commission to review the regulations and to make a report to Council no later than September 30, 2008 as to whether these regulations are (1) not protective enough of the Heelsplitter; (2) unduly

overprotective for the Heelsplitter, or (3) appropriate under the circumstances. The committee consisted of Lindsay Pettus, Lora Zimmerman, Randy Wilgis, Will Tindal, David Blackwell, Gary Reader, Mick Mulvaney, Mark Knight, Chris Karres, Frannie Heizer, and Stanley Smith. The committee believed that the adopted regulations were appropriate under the circumstances. However, some changes to the next of the overlay district are needed to clarify the meaning of some sections and address a few matters that were not covered in the original text. He briefly reviewed the changes recommended. These will be taken to the Planning Commission and be brought back to County Council at the end of October.

COMMITTEE REPORTS

There were no reports.

MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending August 31, 2008. She noted that the fund balance decreased by \$1 million, which is the normal trend for this time of year. The fund balance is now \$15.6 million.

COUNTY ATTORNEY REPORT

The Attorney did not have a report.

RURAL INFRASTRUCTURE FUNDS

The County Attorney advised that there should be not problem in advancing these funds.

MOTION was made by Larry Honeycutt to advance the \$100,000 payment which will be reimbursed by the Lancaster County Water & Sewer District. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

PART TIME ANIMAL INFORMATION TECHNICIAN

MOTION was made by Fred Thomas that the funding formerly allotted to the Humane Society to post information on the county's website (\$100/month) be reallocated to a part-time Animal Adoption Information Technician who would work for Animal Control.

MOISTURE PROBLEM AT OLD JAIL

During the last meeting Steve Willis presented Council with a proposal from Architect Jody Munnerlyn to have a. Council asked that it be place on this agenda for action.

MOTION was made by Fred Thomas to authorized that an analysis be performed at the old jail for a recurring moisture problems, with funding to come from the Contingency Fund (cost not to exceed \$4216.00 per Jody Munnerlyn). SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

LIVESCAN FINGERPRINT SYSTEM FUNDING

Steve Willis advised that the first year of the maintenance agreement for the LIVESCAN fingerprint system at the Detention Center was included in the purchase price. The Sheriff's Office has been notified that the maintenance agreement fee for the 2nd year has come due in the amount of

\$6,272.00 This was not included in the Sheriff's budget, but is an item that the county needs to maintenance. He requested authorizing to utilize the contingency funds for this expense.

MOTION was made by Larry Honeycutt that the County Administrator and Finance Director are authorized to utilize contingency fund to pay the invoice from DataWorks for annual maintenance on the Sheriff's office LIVESCAN fingerprint system. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

EMS GIA GRANT

Steve Willis advised that in order to finalize the application process for the annual EMS GIA Grant, Council's approval is necessary according to grant policy. The matching funds are already in the EMS budget as this is an annual grant. Funding comes to \$20,651 this year.

MOTION was made by Wesley Grier to approve the 1008-1009 EMS GIA Grant application. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

CATAWBA MENTAL HEALTH BOARD

MOTION was made by Fred Thomas to appoint Ms. Curtisha L. Mingo to the Catawba Community Mental Health Center Board of Directors. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

RESOLUTION - #662 Project Cotton Incentive

MOTION was made by Fred Thomas to adopt Resolution #622 authorizing an Incentive and Inducement Agreement between Project Cotton, Lancaster County, and City of Lancaster. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

RESCHEDULE COUNCIL MEETING

MOTION was made by Fred Thomas to reschedule the October 6 County Council meeting to Tuesday, October 7, at 5:30 p.m. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

CONSENT ACTION ITEMS

MOTION was made by Wayne Kersey to approve the consent Action Items as follows: SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

- 1) Resolution #656 authorizing the transfer of the AWOS to the SC Department of Commerce – Aeronautics Division
- 2) Resolution #657 in appreciation to the Sun City Carolina Lakes Volunteers for their dedicated service
- 3) Resolution #658 proclaiming October 5-11 as Fire Prevention Week
- 4) Resolution #659 proclaiming October as Crime Prevention Month
- 5) Resolution #660 in support of The United Way
- 6) Resolution #661 agreeing to use York Tech's previously approved funds as a cash match for a grant to purchase needed equipment for a nursing program for York Tech
- 7) Resolution #663 honoring Shawn Crawford for his accomplishments at the Olympic

CONSENT ORDINANCE READINGS

MOTION was made by Larry Honeycutt to adopt the Consent Ordinance Readings as follows: SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

- 1) 2nd reading - Ordinance #948 to authorize 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 thereto
- 2) 2nd reading - 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
- 3) 2nd reading - 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

ORDINANCE READINGS

Ordinance #932 – ADEVCO Project

Keith Tunnell asked that he have a meeting with County Council in executive session before voting for 3rd reading of this ordinance.

MOTION was made by Fred Thomas to postpone 3rd reading of Ordinance #932 conveying 17 acres of real property located in the Lancaster Business Park (ADEVCO Project). SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #951 rezoning 415 Fairfield Street

Penelope Karagounis advised that Alvin Faile applied to rezone 415 Fairfield Street from R-30 to R-30D in order to place a doublewide mobile home on the property for his family. There is a single family home on the property. The area is designated as residential on the future land use map, but it does not distinguish between site-built homes and manufactured home. There are a few mobile homes in the area. 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 #951 amending the county zoning map; specifically property petitioned by Alvin Faile located at 415 Fairfield Street (tax map 81F, block A, parcel 12) from R-30 Low Density Residential/Agricultural District to R-30D Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Jack Estridge PASSED UNANIMOUSLY 7-0

Ordinance #952 rezoning 2642 Charlotte Highway

Penelope Karagounis advised that David Snipes applied to rezone 2642 Charlotte Highway from R-30 to B-3. Mr. Snipes believes this would make the zoning consistent with the surrounding area. However, the property is surrounded by R-30 and B-3 and the area is designated on the future land use

map as low density residential. There is a single family residence on the property. The planning staff recommended denial as they explained that the existing parcels which are zoned B-3 were zoned that way in 1998 to make the existing uses conforming uses. The Planning Commission recommended approval by a vote of 5-2.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #952 amending the county zoning map; specifically property petitioned by David Snipes located at 2642 Charlotte Highway (tax map 49, parcel 50.01) from R-30 Low Density Residential/Agricultural District to B-3 General Commercial District. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

Ordinance #953 rezoning property on Brooklyn Avenue

Elaine Boone advised that William Snipes applied to rezone 2.3 acres of property on Brooklyn Avenue from R-15D to MF. The applicant has in the past had 5 rental homes on the property, but due to vandalism the applicant currently only has one occupied residence out of five. The applicant would like to build apartments with a site manager on the property. The planning staff recommended approval. The Planning Commission recommended approval by a vote of 7-0.

MOTION was made by Fred Thomas to hold first reading of Ordinance #953 amending the county zoning map; specifically property petitioned by William Snipes located on Brooklyn Avenue (tax map 81H, block C, parcel 1) from R-15D to Multiple Family District. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #954 implementing provisions of State Procurement Code

Frannie Heizer reminded Council that the county is using an expedited procurement process for the Justice Center that will still provide competition and opportunities for folks to participate in the process. The existing procurement manual for Lancaster County doesn't provide for this type of process. A request for qualifications followed by a request for proposal will be done. She recommended adopting the relevant portions of the State Procurement Code so that the county has specific guidelines to be operating under.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #954 (by title only) to amend section 2-161 of the Lancaster County Code of Ordinances so as to allow implementation of relevant provisions of the SC State Procurement Code in connection with procurement of construction and related services for the new Lancaster County Courthouse. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Wayne Kersey to go into executive session to discuss a legal and economic development matter. SECONDED by Fred Thomas, PASSED UNANIMOUSLY 7-0

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

As Council came out of executive session, Chairman Carter announced that Council discussed an economic development issue and a legal issue and a motion would be forthcoming on the legal issue.

MOTION was made by Fred Thomas to authorize the County Council Chairman, County Administrator, and County Attorney to acquire a parcel to use as temporary facilities. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

ADJOURNMENT

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

The meeting adjourned at 8:32 pm.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 10-27-2008

Wesley Grier, Secretary