

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

October 12, 2009

In the absence of Chairman Rudy Carter, Vice-Chairman Larry Honeycutt called the meeting to order on Monday, October 12, at 6:00 p.m. Larry McCullough offered the invocation.

County Council members present were 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, Chris Karres, Penelope Karagounis, Jenna White, spectators, and members of the press. Chairman Rudy Carter and Clerk to Council Irene Plyler were not in attendance.

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

MOTION was made by Larry McCullough that agenda item 9(g), 1<sup>st</sup> reading of an Ordinance regarding Community Care Facilities for the Elderly, be removed from the agenda and placed on the agenda at the end of October. SECONDED by Kathy Sistare. PASSED 5-0. Absent: Rudy Carter

Steve Willis asked that an executive session be added to discuss an economic/legal matter.

MOTION was made by Kathy Sistare to approve the agenda as amended. SECONDED by Larry McCullough. PASSED 5-0. Absent: Rudy Carter

CITIZENS COMMENTS

Brian Rolar, 10337 Gunnison Lane, Charlotte, NC 704-877-9154, wanted to speak about Roy Hardin Park but deferred to a later time.

Deborah Truesdale, 3488 Cimmeron Road, 289-6489, spoke about the rezoning petitioned by Sherry Caskey on South Potter Road from one residential district to another. She was not opposed to it as long as it did not become commercial.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, restated the amount of county roads that are paved and graveled and mentioned the amount of millage increase that would be needed to pave all county roads.

Rosemary Whitlock, 628 Baker Place Road, 285-2888, asked for an explanation about the new ordinance dealing with the term limits of boards and commissions.

### TIRE DISPOSAL – DHEC

Jena White from DHEC reviewed DHEC's policy on tire disposal and explained how the fee is distributed to departments and agencies.

She also covered the required points in order to have a waste tire collection policy that is acceptable to DHEC. The points are:

DHEC Required Plan Components:

1. Identify location(s) and quantity limits established for acceptance of tires from residents.
2. Describe the process used to verify residency.
3. Identify a location where trailer load quantities of tires are accepted from commercial entities such as tire retailers, automobile dismantlers, and fleets.
4. Describe the process used to verify county business license and zoning requirements are met by commercial entities (as applicable).
5. Describe the tipping fees for undocumented tires, up to a maximum of \$150 per ton.
6. Describe fee exemptions as established in accordance with the Act and explain documentation required to verify fee exemptions.
7. Describe the process for verifying that haulers delivering tires to the county have obtained proper DHEC registrations.
8. Describe how the county will manage illegal tire dumping and participate in on-going waste tire clean-up and enforcement efforts as required by the Act.
9. Be consistent with the County Solid Waste Management Plan.

Staff was directed to develop a plan that complied with all points as outlined by DHEC but left the collection as close as possible to the current collection practices.

MOTION was made by Larry McCullough to move this to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED 5-0 Absent: Rudy Carter

### TRUCK ACQUISITION/DISPOSAL

Steve Willis advised that funding has been approved for a new tandem dump truck for Public Works. Darin Robinson asked whether he could piggyback on last year's bid rather than going out for sealed bids for this truck. As part of last year's bid, there was an option to acquire a similar make truck, but this year's model. The benefits of using this methods is that the county will acquire a model that does not have the costly vehicle emission system that goes into effect later this year. In addition, there would not be a price increase - the low bid of \$104,795 would still be in effect.

MOTION was made by Kathy Sistare to authorize the Finance Director and Public Works Director to obtain a tandem axle dump truck by utilizing the same bid from Mack Truck Sales of Charlotte at a cost of \$104,795 approved in Resolution #613. SECONDED by Jack Estridge PASSED 5-0 Absent: Rudy Carter

In addition, Darin Robinson asked that that the dump truck that is being replaced through a consignment sale by Mack Truck Sales of Charlotte, (a 1994, model dump truck) be disposed of. Normally trucks like this are used as a "parts vehicle" for large fleets. However, he felt that there was a likelihood that the county could receive a higher price by using Mack Truck Sales to sell directly to an end user rather than selling to a scrap yard. This was carried over until additional information could be obtained.

### CELL TOWERS

Per County Council's request at the last meeting, Chris Karres presented Council with a revised text to the cell tower regulations.

He advised that the setback requirements have been changed as follows: ...shall be equal to one and a half times the height of the tower. In addition, the regulations governing cell towers have been moved from a conditional use in Chapter 4 of the UDO to the special exception section of Chapter 4. He noted that he did not see any way to accomplish reducing the number of zoning districts in which this use is allowed without restricting the location of cell towers to the point that service may not be able to be provided to all residents of the county.

He suggested that if Council wanted to make some changes to the regulations governing cell towers, that they make cell towers in residential zoning districts a special exception use and a conditional use in commercial and industrial zoning districts. This would encourage cell towers to be placed in commercial districts.

Council decided that changes would not be made and the current ordinance would remain as is.

### COURTHOUSE FLOOR OPTIONS

Steve Willis advised that the building permit fees for the Indian Land Walmart store would easily cover the costs of the proposed brick floor at the old courthouse; however, the fees have already been calculated into the estimated revenue for this fiscal year. Consequently, this permit fee would not be excess funds. He recommended that this not be considered as a potential source of funding for this project.

### COUNCIL COMMITTEE REPORTS

There were no committee reports.

### COUNTY ATTORNEY REPORT

There was no attorney report.

### COMPORIUM FRANCHISE REQUEST

MOTION was made by Kathy Sistare to approve the request for a state franchise agreement with Comporium. SECONDED by Cotton Cole. PASSED 5-0 Absent: Rudy Carter

### AIR QUALITY INITIATIVES

The language concerning air quality initiatives submitted by the Catawba Regional Council of Governments was brought to Council for action. In addition, the idling policy to be included in the county's motor vehicle policy submitted by Steve Willis was also considered.

MOTION was made by Kathy Sistare that the COG requested air quality language be added to future contracts and the idling policy added to the Lancaster County Policy for the Operation of Motor Vehicles. SECONDED by Larry McCullough. PASSED 4-1. Opposed: Cotton Cole. Absent: Rudy Carter

### ORDINANCE READINGS

#### Ordinance #982 – Exchange of Property (Roy Hardin Park)

MOTION was made by Cotton Cole to hold 3<sup>rd</sup> reading of Ordinance #982 approving the exchange of a portion of Roy Hardin Park consisting of approximately nine and nine-tenths (9.99) acres of real property owned by Lancaster County for approximately ten and nine hundred twenty nine hundredths (10.929) 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 McCullough. PASSED 5-0 Absent: Rudy Carter

#### Ordinance #997 – Postponing Reassessment

MOTION was made by Jack Estridge to adopt 3<sup>rd</sup> reading of Ordinance #997 postponing countywide reassessment and equalization for the 2010 tax year pursuant to S.C. Code Section 12-43-217(B). SECONDED by Kathy Sistare. PASSED 5-0 Absent: Rudy Carter

#### Ordinance #998 - Boards & Commission Terms of Office

MOTION was made by Cotton Cole to hold 2<sup>nd</sup> reading of Ordinance #998 aligning the terms of office of council appointees to county boards and commissions with the terms of office of the respective council members who appoint them; and other matters relating thereto. SECONDED by Larry McCullough. PASSED 5-0. Absent: Rudy Carter

#### Ordinance #999 rezoning property on South Potter Road

Penelope Karagounis advised that Sherry Caskey applied to rezone property located on South Potter Road from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential/Manufactured Housing/Agricultural District in order to purchase the property and place a singlewide manufactured home on the site. The property is owned by Mr. Walter Jones who has given her permission to request the rezoning. The planning staff recommended approval because the surrounding area contains both single and doublewide manufactured homes. The Planning Commission recommended approval by a vote of 6-0.

MOTION was made by Jack Estridge to hold first reading of Ordinance #999 amending the county zoning map, specifically property petitioned by Sherry Caskey located on South Potter Road (tax map 89, parcel 10.01) from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Cotton Cole. PASSED 5-0. Absent: Rudy Carter

#### Ordinance #1000 – rezoning 1575 Great Falls Highway

Penelope Karagounis advised that the Planning Commission voted 6-0 to recommend the rezoning of property located at 1575 Great Falls Highway from R-15 to B-3. She informed Council that there was an oversight on the county's part in 1998 when zoning was changed and this property should have been zoned commercial at that time rather than residential. A body shop has been located on the property for a number of years and the property was designated as commercial on the future land use map.

MOTION was made by Cotton Cole to hold first reading of Ordinance #1000 amending the county zoning map, specifically property located at 1575 Great Falls Highway (tax map 81P, block A, parcel 3) from R-15 Moderate Density Residential/Agricultural District to B-3 General Commercial District. SECONDED by Jack Estridge. PASSED 5-0 Absent: Rudy Carter

Ordinance rezoning Locustwood Avenue/Williams Circle – **denied**

Penelope Karagounis advised that Ben Champion applied to rezone property located on Locustwood Avenue from R-15 to R-15S in order to allow the placement of two singlewide manufactured homes on the property. The property consists of two 10,000 sq. ft. vacant lots located behind the mini storage units that front Grace Avenue. The planning staff recommended denial because all properties that surround these lots are zoned R-15, and the majority of uses are site built homes including those immediately surrounding the site, with the exception of the manufactured home on the corner of Locustwood and Williams Circle previously owned by Mr. Champion. The Planning Commission recommended denial by a vote of 5-1. The planning staff had received many calls opposing this rezoning.

MOTION was made by Larry McCullough to **deny** the rezoning request submitted by Ben Champion for property located on Locustwood Avenue (tax map 86B, block J, parcel 11) from R-15 Moderate Density Residential/Agricultural District to R-15S Moderate Density Manufacturing Housing/Agricultural District. SECONDED by Kathy Sistare. PASSED 4-1. Opposed: Cotton Cole. Absent: Rudy Carter

Amending UDO Ordinance - Community Care Facilities for the Elderly - **postponed**

Ordinance #1001 – Amending UDO, Chapter 4

Chris Karres presented a proposed text amendment to the UDO, Chapter 4, Conditional and Special Exception Uses, to add a condition to section 4.2.7 that would prohibit a sanitary landfill from being located within six miles from the airport. He advised that this amendment is needed to comply with new FAA regulations, which were adopted as a means to minimize the potential conflict between aircraft and birds that sometimes gather in and around landfills. Staff recommended approval. The Planning Commission recommended approval by a vote of 6-0, but with the condition that it only apply to the Lancaster County Airport.

MOTION was made by Kathy Sistare to hold first reading of Ordinance #1001 amending the text of the UDO, Chapter 4, Conditional and Special Exception Uses, by adding a condition to Section 4.2.7, Sanitary Landfills, that would prohibit this use from being located within 6 miles from the Lancaster County Airport only and does not apply to other smaller airports in the county. SECONDED by Cotton Cole. PASSED 5-0. Absent: Rudy Carter

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session concerning a legal matter and an economic development matter. SECONDED by Kathy Sistare. PASSED 5-0. Absent: Rudy Carter

MOTION was made by Cotton Cole to go out of executive session and back into regular meeting. SECONDED by Larry Honeycutt. PASSED 5-0.

As Council came out of executive session, Vice Chairman Honeycutt advised that Council discussed one legal matter and one economic development matter. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made Cotton Cole to adjourn. SECONDED by Larry McCullough. PASSED 5-0. The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 11-30-2009

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Kathy Sistare, Secretary