

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

October 26, 2009

Chairman Rudy Carter called the meeting to order on Monday, October 26, at 6:00 p.m. Larry Honeycutt offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Larry Honeycutt, Secretary Kathy Sistare, Larry McCullough, and D. W. "Cotton" Cole. Also present were Steve Willis, Mike Ey, Veronica Thompson, Chris Karres, Penelope Karagounis, Ashley Hinson, Chad Catledge, Danny Mullis, spectators, and two members of the press. Jack Estridge was not in attendance due to a death in his family.

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 asked that agenda 9(c) amending the UDO Ordinance regarding Community Care Facilities for the Elderly, be tabled until further notice. Steve Willis asked that Resolution #705 be removed.

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 tabled until further notice and that Resolution #705 be removed from the agenda. SECONDED by Larry Honeycutt. PASSED 5-0. Absent: Jack Estridge

CITIZENS COMMENTS

Dennis Patti, 6i419 Stirling Lane, Indian Land, 548-4875, was representing the Belair subdivision homeowners association. There are currently about 245 homes in Belair and should have about 355 when complete. He had a petition with more than 100 names asking Council not to make any changes to the R-15 or B-1 or B-2 zoning districts. He felt that Jim Wilson Road could support the traffic that would be generated by businesses such as the assisting living facility. They are concerned that if the assisting living facility isn't built or completed and it has already been rezoned, that another type of facility could locate there.

Jack Ratcliffe, 2471 Sandpiper Court, Sun City, Indian Land, 704-458-7042 cell, lives in Sun City, spoke in opposition to changing the sign ordinance. He would like to see more discussion on this subject before it is put up for a vote by Council.

Nannette Amster, 23017 Norwalk Lane, Indian Land, 802-2247, was a member of the corridor study group. She asked that all ordinances which would affect the 2 corridors be tabled until the corridor study is complete; in particular, the sign ordinance.

Joe Ramsey, 224 Lodge Road, Indian Land, 548-5910, spoke in opposition to allowing the elderly care facility being built in the R-15P District, which is a residential classification, and a residential care facility is definitely a business and should be evaluated that way. In the event of a fire or disaster, 4 firemen and 2 EMT's could not respond effectively to a multistory facility with 100 patients. He felt that a separate classification should be created up for elderly care and similar type facilities which would give Council and neighbors a chance to comment on where these type facilities can be built. Asked County Council to vote this down.

Ted Hoover, 2603 Chatham Drive, Fort Mill, 803-396-0241, lives in the Chastain Development, and spoke in opposition to the sign ordinance on 521. If this ordinance is put into effect, there could be hundreds of signs (4 per business) and could become an eyesore.

Linda Singar, 9119 Andrew Lane, Belair Development, Indian Land, 704-361-1826, lives in the Belair subdivision, objected to the rezoning for the elderly care facility. It is a business and will create traffic along that road. She also spoke in opposition to the sign ordinance which would allow businesses to display 4 temporary signs. She felt that this was unnecessary. She also felt that reducing the penalty is a mockery. She felt that the ordinance should be enforced as it stands now.

Rob McCoy, 2460 Fork Hill Road, Heath Springs, 577-9779, is a partner in a business in the northern part of the county. He wanted everyone to know that the amended sign ordinance would only be for one year and feels business owners will take the time to make the signs presentable.

#### 4-H PROGRAM

Ashley Hinson came before Council to present an update on the programs that the youth of Lancaster County are involved with under the local 4-H. Four youths spoke about their involvement: Morgan Brannon, Kristen Hinson, Trevor Hammond, and Lauren Schuster. Council thanked them for their presentation.

#### COURTHOUSE UPDATE

Chad Catledge advised that currently the art restoration of the graffiti from the confederate soldiers on the bottom floor of the historical courthouse is taking place and it is a very tedious undertaking. The sprinkler system is completely designed and being submitted to LLR in Columbia. The redesign of the sprinkler system has taken them slightly off schedule.

Danny Mullis from BE&K gave an update on the progress of the new courthouse. Grading operations are ongoing. The first foundation was being poured this morning. They are on schedule. Received elevator bids last week, which were in line with the budget.

#### KERSHAW INDUSTRIAL PARK

Steve Willis advised that a report from Gary Reader was enclosed in their agenda packet, which advised Council that the Park Project recently wrapped up the design and bidding phase and they are moving toward a construction start up date of approximately November 1, 2009. They are presently under budget. However, Steve Willis advised that as part of the encroachment permit to tie into US 601, SCDOT is requiring that the county install a left turn lane. This was unanticipated, but should be able to pay for this within the original budget. Council accepted this as information.

### TIRE DISPOSAL PLAN – DHEC

Steve Willis presented a potential waste tire plan drawn up by he and Darin Robinson. They believed that this new plan would resolve the concerns expressed at the previous meeting. The plan included:

- Pickup truck, automobile and motorcycle tires accepted at all convenience sites except Lynwood Drive. No more than 4 tires per month from a resident
- Larger tires would be accepted at the Public Works Center, as well as quantities larger than 4.
- A valid South Carolina driver's license with a Lancaster County address will be required
- Trailer load quantities from commercial entities will be accepted at the Public Works Center
- Commercial entities – information from others disposing of trailer loads of tires will be forwarded to the Building and Zoning Dept. to verify property zoning and, if needed, that department will handle the enforcement
- Fees will be calculated to cover the cost of tire disposal. These will be brought to Council for approval as part of the budget.
- There will be no fee exemptions
- Public Works will accept tires only from haulers who present proper DHEC credentials
- Illegal tire dumping will be reported and investigated by the Litter Control Officer. Public Works will coordinate with DHEC for grants to remediate illegal tire dump sites.
- Once this plan is approved, it will be forwarded to the COG for inclusion in the County Solid Waste Management Plan.

He asked Council whether they were amendable with this or whether they still wanted it to go to a committee. Council had no objections to the plan submitted.

### COUNCIL COMMITTEE REPORTS

Larry McCullough advised that he attended the Pleasant Valley Fire District Meeting at which time they talked about a memorandum of understanding that is presently being created that, in addition to legalese between Lancaster County and the PVFD, will state who has the responsibility for what. Status of potential bidders was discussed.

### MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending September 2009. She noted that since July the fund balance has decreased by about \$3 million and will continue to decrease until real estate taxes start coming in. The unreserved fund balance was \$9.7 million. She pointed out that the reason for the need of a healthy fund balance is to continue to operate during this time of year. Council accepted the report as information.

### COUNTY ATTORNEY REPORT

There was no attorney report.

### ORDINANCE READINGS

#### Consent Ordinances

MOTION was made by Larry Honeycutt to adopt the consent ordinances as listed below.  
SECONDED by Kathy Sistare. PASSED 5-0 Absent: Jack Estridge

- 2<sup>nd</sup> reading - Ordinance #999 - rezoning property petitioned by Sherry Caskey located on South Potter Road (tax map 89, parcel 10.01) from R-30 to R-30S
- 2<sup>nd</sup> reading - Ordinance #1000 rezoning property located at 1575 Great Falls Highway (tax map 81P, block A, parcel 3) from R-15 to B-3
- 2<sup>nd</sup> reading – Ordinance #1001 amending 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

Ordinance #1002 Haile Gold Mine, Inc. amending Fee of Tax Agreement

Mike Ey advised that this ordinance would add approximately 1100 acres of land to the fee-in-lieu of tax agreement and multi-county park agreement for Haile Gold Mine that was approved last year.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #1002 approving an amendment to the Fee of Tax Agreement dated December 1, 2008, between Haile Gold Mine, Inc., and the County so as to add property covered by the Agreement; to approve an amendment to the Agreement for the development of a Joint Industrial and Business Park dated December 1, 2008, between Lancaster County and Chester County so as to add property covered by the Agreement; and to provide for other matters related thereto. SECONDED by Kathy Sistare. PASSED 5-0 Absent: Jack Estridge

Ordinance #1003 amending UDO, Section 2.1.5 Overlay District

Chris Karres advised that this text amendment to the airport overlay district was initiated by the Planning Commission, who unanimously voted to recommended this change, in order to keep regulations in line with current FAA regulations. He pointed out that this update is needed to preserve unobstructed flight paths surrounding all airports, airstrips, etc. within the county. This overlay district limits potential conflicts between newly constructed buildings and other obstructions, such as trees, which could interfere with approaches to and departures from all types of airfields. Additionally, obstructions may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, which may limit the utility of these facilities and the public and private investments made to these facilities. The planning staff recommended approval because it will meet the FAA requirements that these regulations be updated in order for the airport to remain eligible for grant funds. Chester County has also been asked to look at the same type regulations.

MOTION was made by Larry McCullough to hold first reading of Ordinance #1003 amending the text of the UDO, Section 2.1.5, Overlay Districts, subsection (4) Aviation Overlay District, to establish the maximum height of any structure to be constructed within a specific area surrounding any airport or airstrip located within Lancaster County. SECONDED by Kathy Sistare. PASSED 5-0. Absent: Jack Estridge

Ordinance #1004 amending UDO Section 5.6 Building Height Limitation – Airport Overlay District

Chris Karres advised that this amendment would only add another footnote that indicated that, in addition to the current height limits that are allowed in the zoning district, there is also an airport overly district that may apply additional height limits, and property owners would need to check with Building & Zoning to see how it would affect their property. Currently, all residential districts have a limit of 35 feet and some of the commercial and industrial go up to 60 feet as a permitted height. Anything above that, Building and Zoning would have to agree. This would also affect trees.

MOTION was made by Larry Honeycutt to hold first reading of Ordinance #1004 to add a new subsection (5) to Section 5.6, Building Height Limitation, contained in the Airport Overlay District, to allow additional height limitations to a specific piece of property. SECONDED by Larry McCullough. PASSED 5-0. Absent: Jack Estridge

Ordinance – Temporary Sign Regulations – **denied**

Chris Karres advised that this text amendment would relax the regulations governing temporary signs for one year, increase the number of temporary signs allowed per business from 1 to 4, make these signs only be on-premise signs, have the current regulations in Section 10.8 govern the size of these signs; have all business owners that make use of these changes keep track of the impact these changes have on their business, and reduce the penalty for violations of these changes from the current penalty to no fine, but the signs shall be removed. The committee assigned by the Chairman agreed with these changes. The majority of the members of the committee felt that the additional signs would help attract customers to existing businesses and make businesses more visible to the general public. The committee also decided that the change in the temporary sign regulations would be for one year only and then evaluated. The planning staff recommended denial as they felt that allowing the number of signs proposed is excessive, could lead to visual clutter and may be hard to enforce. Staff felt that an alternative would be to allow one additional temporary sign that does not exceed 12 square feet. The Planning Commission recommended denial by a vote of 6-1 as they felt this change in the sign regulations would lead to visual clutter, create litter as signs fall, create traffic problems, and negatively impact economic development as our major corridors could become visually unsightly which would reflect poorly on the image of the county. The Commission also felt that it would not have a positive impact on the economy.

MOTION was made by Larry McCullough to **deny** the temporary sign regulations ordinance as it is written. SECONDED by Kathy Sistare. PASSED 4-1 Opposed: Cotton Cole. Absent: Jack Estridge

After a lengthy discussion, some Council members felt that the ordinance needed to be fine tuned. They felt that 4 temporary signs per business was too many and that a penalty for violations needed to be included.

MOTION was made by Larry Honeycutt that the committee discuss the sign ordinance again with the planning department, taking into account the County Council recommendation that the 4 signs be removed and include enforcement, and send it back to the Planning Commission for their review and recommendation and brought back to County Council in ordinance form. SECONDED by Kathy Sistare. PASSED 5-0 Absent: Jack Estridge

Chairman Carter appointed a new committee to work on a new ordinance. The following appointments were made: Larry McCullough, Chair, Larry Honeycutt, Rudy Carter, Indian Land Action Council, Rob McCoy, Chamber of Commerce, Chris Karres

EXECUTIVE SESSION

MOTION was made by Larry Honeycutt to go into executive session to receive a legal update. SECONDED by Kathy Sistare. PASSED 5-0. Absent: Jack Estridge

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, Chairman Carter advised that Council received a legal update. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made Larry Honeycutt to adjourn. SECONDED by Larry McCullough. PASSED 5-0. The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Irene Plyler  
Clerk to Council

Approved by Council 11-30-2009

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Kathy Sistare, Secretary