

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

October 27, 2008

Chairman Carter called the meeting to order at 5:30 p.m. Bryan Vaughn offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Fred Thomas, Secretary Wesley Grier, Wayne Kersey, Jack Estridge, Bryan Vaughn, and Larry Honeycutt. Also present were Steve Willis, Mike Ey, Veronica Thompson, Irene Plyler, Chris Karres, Elaine Boone, Nancy Howell, Dr. Archer, Norman Anderson, 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

It was requested that the Preserve America presentation be moved to the beginning of the agenda. Fred Thomas requested that consent action items be removed from future agendas.

MOTION was made by Wesley Grier to approve the agenda as amended to place the Preserve America presentation at the top of the agenda and remove consent action items from all future agendas. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

PUBLIC HEARINGS

BLMK, LLC Fee-In-Lieu

MOTION was made by Fred Thomas to go into public hearing to receive oral and written comments from the public concerning Ordinance #946 authorizing the execution and delivery of fee agreement by and between Lancaster County and BLMK, LLC providing for a payment of a fee-in-lieu of taxes. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

There were no comments from the public.

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

Gillette Company Fee-In-Lieu

MOTION was made by Wayne Kersey to go into public hearing to receive oral and written comments from the public concerning Ordinance #945 authorizing the execution and delivery of a fee agreement and an infrastructure credit agreement by and between Lancaster County and 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 Larry Honeycutt. PASSED UNANIMOUSLY 7-0

There were no comments from the public.

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

Joint Business Park With Chesterfield

MOTION was made by Wayne Kersey to go into public hearing to receive oral and written comments from the public concerning 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. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

There were no comments from the public.

MOTION was made by Wayne Kersey to go out of public hearing and back into regular session. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

CITIZENS COMMENTS

Will Tindal was very concerned about the mailers being sent to citizens of Lancaster County from a group of democrats and Mandy Powers Norrell prior to this election with untruths re. special assessment financing. He stated that the Lancaster News and Chairman Carter have attempted to get the correct information to the citizens. He noted that it has always been made clear by the Chairman that when special assessments are made, the public funds are not at risk. It is not public money. He felt that it attacks the integrity of County Council. It implies that County Council voted to put public money at risk, which is not true. He asked County Council to defend themselves and set the record straight.

PRESERVE AMERICA PRESENTATION

Jim Chapman from HUD, presented to Chairman Carter and Vice Chairman Thomas a certificate designating Lancaster as a Preserve America 2008 Community. Nancy Howell explained what had been done to apply for this designation. Jim Chapman informed Council that there are some grant funds available which the county is eligible to apply for.

CLASSIFICATION AND COMPENSATION PLAN

Dr. Earnest Archer gave Council a brief overview of the classification and compensation study that his firm was contracted to complete for Lancaster County. Council accepted it as information. It will be placed on a future agenda for adoption.

BILLBOARD REGULATIONS

Chris Karres reviewed a draft of the proposed changes to the text of the UDO regarding billboards. He presented Council, in writing, a proposal from a representative of a billboard company and staff comments on each proposed change in the text. He reviewed some of the major points that the Planning staff did not feel comfortable with and wanted to review with Council. Staff felt that adding two

commercial districts (B-3 and B-4) to the area allowing billboards would add a number of billboards to the county. The size of the billboards was also discussed.

Danny Steen, 654 Anderson Road, and Joe Calla from Charlotte spoke on behalf of the billboard companies. Council asked them to work out the details and bring a recommendation back to Council.

BROOKLYN AVENUE CDBG PROJECT

Steve Willis advised that after meeting with representatives from the Department of Commerce who handle Community Development Block Grant projects, the Catawba Regional Council of Governments recommended changes to the Brooklyn Avenue CDBG Application. He reviewed those changes with Council: road resurfacing for Brooklyn Avenue from Main to 8th St will be removed as the condition of the road was not bad enough. In its place will be the installation of a water line on 15th St., which will enhance water pressure/fire protection, and fencing around two businesses with outside storage to help beautify the neighborhood. It will also include the establishment of a joint Lancaster County Sheriff's Office/Lancaster Police Department substation within the city-owned building.

MOTION was made by Larry Honeycutt that the changes to the Brooklyn Neighborhood Community Development Block Grant application, as recommended by the Catawba Regional Council of Governments, be approved. SECONDED by Wesley Grier. PASSED 6-1. Opposed: Wayne Kersey

CONSENT INFORMATION ITEMS

MOTION was made by Wayne Kersey to accept the consent information items: (1) establishing an account for a future Museum of Lancaster County; (2) report on FEMA Flood Mitigation Grant application for the Gills Creek Drive Project; (3) request to assume road ownership within the Arlington and Clairemont subdivisions, which will be placed on the next agenda for action. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Regarding the Gills Creek Drive flooding problem, Wesley Grier stated that he would like to see the grant applied for and would like to take \$5,000 from the C-fund money from his district to pay some of the matching monies for this grant. He felt that the only way to fix this road, because of the flooding, is to build a bridge.

COMMITTEE REPORTS

There were no committee reports.

MONTHLY FINANCE REPORT

Veronica Thompson reviewed the finance report for month ending September 2008. Council accepted the report as information.

COUNTY ATTORNEY REPORT

The Attorney did not have a report.

CONSENT ACTION ITEMS

- MOTION was made by Wesley Grier to accept the Consent Action Items as follows.
- 1) Approve the minutes of the September 8, 15, 30 and October 7, 2008 Council meetings;

- 2) Funding in the amount of \$10,500 from the Contingency Fund for an information tabloid regarding the upcoming referendum;
- 3) Approve Indian Land being included in the next edition of the SC DOT road maps pursuant to DOT regulations governing the inclusion.

SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

HOPE of Lancaster County

Councilman Honeycutt suggested that Council consider waiving the building rent at HOPE for a period of time which would allow them to utilize those funds for additional assistance to Lancaster County citizens during the upcoming holiday period.

MOTION was made by Larry Honeycutt that the building rent for HOPE, located at 2008 Pageland Highway, be waived for the next three months. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

BOARD & COMMISSION APPOINTMENTS

There were no appointments made.

CONSENT ORDINANCE READINGS

MOTION was made by Wesley Grier to adopt the Consent Ordinance Readings as follows: SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

- 1) 3rd reading – 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.
- 2) 3rd reading - 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.
- 3) 3rd reading – 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 Multiple Family District.
- 4) 2nd reading - Ordinance #955 amending the text of the UDO, Chapter 13, Land Development Regulations (subdivision regulations), Section 13.7.10.8 Road Design (Geometric criteria) to add design standards for one-way and two-way traffic alleys and for residential and commercial roundabouts.
- 5) 2nd reading - Ordinance #956 amending the text of the UDO, Chapter 19, to add a definition for Roundabout and Clear Space.
- 6) 2nd reading - Ordinance #957 postponing countywide reassessment and equalization for the 2009 tax year.

ORDINANCE READINGS

Ordinance #945 – Gillette fee agreement

MOTION was made by Wayne Kersey to hold 3rd 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 Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #946 – BLMK fee agreement (ML Brock)

MOTION was made by Wesley Grier to hold 3rd 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 Wayne Kersey. PASSED UNANIMOUSLY 7-0

Ordinance #948 – Adding property to Joint Business Park Agreement with Chesterfield County

MOTION was made by Wayne Kersey to hold 3rd reading of 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. SECONDED by Bryan Vaughn. PASSED UNANIMOUSLY 7-0

Ordinance #958 – Adding properties to Joint Business Park Agreement with Chester County

MOTION was made by Wayne Kersey to hold first reading, by title only, of Ordinance #958 to authorize and approve an agreement for the development of a joint industrial and business park by and between Lancaster County and Chester County with property located in Lancaster County (two Gillette Company (Duracell) parcels and Founders Federal Credit Union parcel) and in Chester County (Elliott Tract, Frances Tract and H.W. Close plant); to require the payment of a fee-in-lieu of ad valorem taxes by businesses and industries located in the park; to apply zoning and other laws in the park; to provide for law enforcement jurisdiction in the park; and to provide for the distribution of park revenues within the county. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

Ordinance #959 rezoning property on Collins Road to PDD-26

Elaine Boone advised that U.S. Trust applied to rezone +/- 411 acres of property located off Highway 521 on Collins Road from R-15P Moderate Density Residential/Agricultural District to PDD-Planned Development District. The PDD will include 350 single family dwelling units at 2.36 units per acre and will have 3 different lot widths for single-family lots. The total common open space provided is +/-100 acres (20%). Two villages will have a total of 520 multiple family units with a density of 8 dwelling units per acre. The commercial village G will consist of 500,000 s.f.; office/retail village F will consist of 250,000 s.f.; village H will consist of a hospital or medical institutional living up to 15 units. Staff recommended denial as staff had a concern about the ability of Highway 521, Collins Road and Henry Harris Road to handle the traffic which would be generated from this development and because the impact this development will have on county services. The Planning Commission recommended approval by a vote of 4-3.

MOTION was made by Fred Thomas to hold first reading of Ordinance #959 amending the county zoning map; specifically +/-411 acres of property located off US Highway 521 on Collins Road (tax map 10, parcel 61) from R-15P Moderate Density Residential/Agricultural District to PDD-26 Planning Development District 26. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #960 Collins Road Site Development Agreement

MOTION was made by Fred Thomas to hold first reading of Ordinance #960, by title only, approving the development agreement between UHF Development, LLC and Lancaster County relating to the Collins Road Site Development (PDD-26) and authorizing certain county officials to execute and deliver the development agreement. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #961 amending Development Agreement for Catawba Ridge

Chris Karres advised that an application was received to amend the text of the adopted development agreement for PDD-2 for Catawba Ridge 4400 and Catawba Ridge 200 (Ordinance #356). He advised that some of the changes to the text are minor such as changing Crescent Resources to Mater Development. The major changes are as follows: (1) increase the allowable height of buildings from 34 feet or higher to 14 stories; (2) assurance from the county to support bond financing from the infrastructure within the development in the amount of \$300 million; (3) donation of land for schools, public service facilities, recreational and natural preservation areas in lieu of monetary impact fees; (4) increase the timeframe from 25 to 75 years; the amended development agreement to apply only to the area owned by the entities making this application; and (6) the county to use its power, including the power of eminent domain, to help the developer obtain easements if the easements cannot be obtained otherwise. Staffs recommendation was that these amendments to the approved development agreement be approved only if the comments in their staff report are addressed. The Planning Commission recommended approval of the modification of the development agreement by a vote of 7-0 with the condition that Section 8.3, Public Right of Way, be deleted and that the fourth paragraph of Section 9.1, Voluntary Contributions, be deleted. The Planning Commission did not indicate that the proposed staff changes were to be made to the document.

MOTION was made by Fred Thomas to hold first reading, by title only, of Ordinance #961 to approve an amendment to the Comprehensive Development Agreement, Ordinance #356, an agreement between Lancaster County, South Carolina and Crescent Resources, so as to amend and restate the Comprehensive Development Agreement for PDD-2 as it relates to the property of Catawba Ridge 4400, LLC and Catawba Ridge 200, LLC, and to authorize certain county officials to execute and deliver the amended and restated development agreement. SECONDED by Wesley Grier. PASSED 4-3. For: Fred Thomas, Wesley Grier, Rudy Carter, Larry Honeycutt. Opposed: Bryan Vaughn, Jack Estridge, Wayne Kersey.

Ordinance #962 Charged Properties and ECN Industries Infrastructure Credit Agreement

Mike Ey explained that an Inducement Resolution for Charged Properties and ECN Industries was adopted in 2007, but the ordinance regarding an Infrastructure Credit Agreement had not yet been brought to Council.

MOTION was made by Wayne Kersey to hold first reading, by title only, of Ordinance #962 to approve an Infrastructure Credit Agreement among Lancaster County, SC, Charged Properties LLC, and ECN Industries, Inc. and to authorize the execution and delivery of the infrastructure credit agreement. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #963 amending Carolina Heelsplitter Overlay District

Chris Karres advised that as part of Resolution #601 adopted by County Council on January 18, 2008, 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 not protective enough of the Heelsplitter, unduly overprotective to the Heelsplitter, or appropriate under the circumstances. The members of the Committee were Lindsay Pettus, Lora Zimmerman, Randy Wilgis, Will Tindal, David Blackwell, Gary Reader, Mick Mulvaney, Mark Knight, Chris Karres, Mike Ey, and Stanley Smith. The committee met on 3 different occasions and, based on these meetings, the committee believed that the adopted regulations were appropriate under the circumstances. However, some changes were needed to the text of the overlay district to clarify the meaning of some sections and to address a few matters that were not covered in the original text. He noted that there were no major changes to the original text. He presented to Council in writing the changes to the text.

MOTION was made by Wayne Kersey to hold first reading of Ordinance #963 amending the text of the UDO, Section 2.1.5, Overlay District, (4) Carolina Heelsplitter Overlay District, to clarify the text, add definitions and examples, and explain when the mitigation fee is to be paid. SECONDED by Bryan Vaughn. PASSED 4-3. For: Wayne Kersey, Bryan Vaughn, Wesley Grier, Rudy Carter. Opposed: Jack Estridge, Larry Honeycutt, Fred Thomas.

Larry Honeycutt asked that it be made a matter of record that he feels this Heelsplitter issue is the most ludicrous thing he has ever heard of.

EXECUTIVE SESSION

MOTION was made by Wayne Kersey to go into executive session to discuss a contractual matter. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

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

As Council came out of executive session, Chairman Carter announced that Council discussed one contractual matter and no action would be taken as a result of executive session.

ADJOURNMENT

MOTION was made by Bryan Vaughn to adjourn. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 9:05 pm.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 01-26-2009

Larry Honeycutt, Secretary