

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

November 3, 2008

Chairman Carter called the meeting to order at 5:00 p.m. Wayne Kersey offered the invocation.

MOTION was made by Wayne Kersey to go into executive session concerning and economic development issue. SECONDED by Wesley Grier. PASSED 6-0

There were no comments made.

MOTION was made by Wayne Kersey to go out of executive session. SECONDED by Fred Thomas. PASSED 6-0

REGULAR MEETING

Chairman Carter called the meeting back to order at 6:00 p.m. and announced that Council discussed an economic development issue in executive session and that no action would be taken as a result of executive session.

Wayne Kersey offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Fred Thomas, Secretary Wesley Grier, Wayne Kersey, Jack Estridge, and Larry Honeycutt. Bryan Vaughn was not in attendance. Also present were Steve Willis, Mike Ey, Veronica Thompson, Chris Karres, Elaine Boone, Penelope Karagounis, and 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 a report on an interim court location be added to the agenda under discussion items; the County Attorney requested that Ordinance #944 be added for adoption of 2nd reading, and that Ordinances #955 and #956 be moved to the next meeting.

MOTION was made by Fred Thomas to approve the agenda as amended. SECONDED by Larry Honeycutt. PASSED 6-0

EMPLOYEE OF THE QUARTER

Postponed. Will be rescheduled on the November 24 agenda.

PUBLIC HEARINGS

Catawba Ridge 4400, LLC and Catawba Ridge 200 LLC

MOTION was made by Wesley Grier to go into public hearing to receive oral and written comments from the public on the proposed Amended and Restated Development Agreement, an Agreement between Lancaster County and Catawba Ridge 4400, LLC, and Catawba Ridge 200, LLC. SECONDED by Wayne Kersey. PASSED 6-0

Tom Caldwell and Dean Harrell, the developers, both made comments.

MOTION was made by Fred Thomas to go out of public hearing and back into regular session. SECONDED by Larry Honeycutt. PASSED 6-0

Collins Road Development Agreement

MOTION was made by Fred Thomas to go into public hearing to receive oral and written comments from the public on the proposed Development Agreement (Collins Road Site) between Lancaster County and UHF Development, LLC. SECONDED by Wesley Grier. PASSED 6-0

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 Larry Honeycutt. PASSED 6-0

CITIZENS COMMENTS

Jim Campbell, 2476 Red Mayne Lane in Arlington Subdivision, spoke about the county's acceptance of roads in their subdivision.

Brenda Gordon, 226 Little River Trails Road, Indian Land, asked that Council approve her rezoning request so she can put a trailer on the property.

Tim & V.J. Jones, 936 Hamstead Circle, Indian Land, asked that Council consider the rezoning of their property from a business district to commercial in order to be able to sell the land more easily.

CONSENT INFORMATION ITEMS

MOTION was made by Jack Estridge to accept the Consent Information items as follows:

- 1) Report on CONNECT Resolution for next meeting
- 2) Report on request to accept roads in Bailes Ridge into the county road system.

SECONDED by Wesley Grier. PASSED 5-1. Opposed: Wayne Kersey

COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

The Attorney did not have a report.

INTERIM COURT FACILITY

Steve Willis advised that due to the inability to get the lawyers together prior to the scheduled closing date for the Wamsutta building, a signed extension to November 18 on the closing was needed.

MOTION was made by Fred Thomas that the County Administrator is authorized to ratify the closing date extension until November 18 on a potential site for an interim court facility. Furthermore, the County Council Chairman, County Attorney, and County Administrator are authorized to execute closing documents upon the parcel upon the satisfaction of the County Attorney that all documentation related to due diligence is in order. SECONDED by Wesley Grier. PASSED 6-0

ORDINANCE #944

MOTION was made by Larry Honeycutt to adopt 2nd reading of Ordinance #944 authorizing Lancaster County, South Carolina, to enter into a base lease and conveyance agreement and an installment purchase and use agreement each between the county and SCAGO Public Facilities Corporation for Lancaster County; approving the form and terms of a trust agreement between SCAGO Public Facilities Corporation for Lancaster County and Wells Fargo Bank, N.A., as trustee, in connection with the issuance of certain installment purchase revenue bonds (Lancaster County project) series 2008, or such other appropriate series designation; consenting to the issuance of such installment purchase revenue bonds; authorizing the issuance and sale of general obligation bonds in amounts required to make installment payments; approving the form of a preliminary official statement with respect to such installment purchase revenue bonds; providing for an exemption from the county's procurement policy; delegating authority to the Chairman of County Council and the County Administrator to approve and determine certain matters; and other matters relating thereto. SECONDED by Fred Thomas. PASSED 6-0

ROAD ACCEPTANCE

Steve Willis advised that he received a request from David Jarrett to accept roads within the Arlington and Clairemont subdivisions. He noted that the Public Works Department had inspected the roads and recommended that, if Council was so inclined, Council accept the roads based upon the condition of the road. Jeff Catoe, Assistant Public Works Director, advised by memo that the roads were designed at 8" stone, 2" asphalt, which exceeded the current county road specifications. However, these plans were approved with no additional 1" overlay like used in the Sun City and Bridge Mill developments. In addition, there was one small blemish in the cul-de-sac in Arlington that would need repair during the warranty period. All other county criteria for acceptance of roads had been met. This request was submitted to Council during their last meeting for discussion.

MOTION was made by Fred Thomas to accept the roads in the Arlington and Clairemont subdivisions based on completion of all requirements. SECONDED by Larry Honeycutt. PASSED 4-2. For: Fred Thomas, Wesley Grier, Rudy Carter, Larry Honeycutt. Opposed: Wayne Kersey, Jack Estridge

REVISED LEASE AGREEMENT WITH LKR HANGARS LLC

Steve Willis advised that Dotsy Helms from the McNair Law Firm reviewed the lease between Lancaster County and LKR Hangars, LLC, and stated it was now ready for Council's approval. Due to the recent economic turmoil, the bank backing the construction loan for the new hangars requested assignment of the lease as collateral. It was explained that this was not normally in a hangar lease, but neither LPA, the County's airport consulting engineers, nor McNair thought this would be a problem. In

addition, it was discovered that a clause was inadvertently dropped during the final review of the lease by LPA, which has been added back by McNair. All parties were in agreement with the revised lease.

MOTION was made by Jack Estridge that the lease between Lancaster County and LKR Hangars, LLC, as revised by the McNair Law Firm, be approved. SECONDED by Fred Thomas. PASSED 6-0

BOARD & COMMISSION APPOINTMENTS

There were no appointments made.

ORDINANCE READINGS

Ordinance #957 Postponing Reassessment

MOTION was made by Fred Thomas to hold 3rd reading of Ordinance #957 postponing countywide reassessment and equalization for the 2009 tax year. SECONDED by Wayne Kersey. PASSED 6-0

Ordinance #954 Procurement Code related to Construction of new Courthouse

MOTION was made by Larry Honeycutt to hold 2nd reading of Ordinance #954 amending 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 6-0

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

MOTION was made by Larry Honeycutt to hold 2nd reading 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 6-0

Ordinance #962 Charged Properties and ECN Industries Infrastructure Credit Agreement

MOTION was made by Wayne Kersey to hold 2nd reading 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 6-0

Ordinance #963 amending Carolina Heelsplitter Overlay District

MOTION was made by Larry Honeycutt to hold 2nd 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

Wesley Grier. PASSED 4-2. For: Wayne Kersey, Wesley Grier, Rudy Carter, Larry Honeycutt.
Opposed: Jack Estridge, Fred Thomas.

Ordinance #964 Haile Gold Mine fee agreement

MOTION was made by Larry Honeycutt to hold first reading, by title only, of Ordinance #964 authorizing the execution and delivery of a fee agreement by and between Lancaster County, SC, and Haile Gold Mine, Inc., providing for a payment of a fee-in-lieu of taxes. SECONDED by Fred Thomas. PASSED 6-0

Ordinance #965 rezoning property on Barnes Street

Elaine Boone advised that Thomas Barnes applied to rezone a portion of lot 10 located on Barnes Street from R-30 to R-30D in order to place a doublewide mobile home on lot 10, which is currently vacant. The residential in this area is a mix of site built and singlewide/doublewide manufactured homes. 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 #965 amending the county zoning map; specifically property petitioned by Thomas Barnes located on Barnes Street (tax map 622, block A, parcel 24, lot #10 only) from R-30 Low Density Residential/Agricultural District to R-30D Low Density Residential/Manufactured Housing/Agricultural District. SECONDED by Larry Honeycutt. PASSED 6-0

Ordinance #966 rezoning property on Little River Trails

Penelope Karagounis advised that Brenda Gordon applied to rezone property on Little River Trails in Indian Land from R-30P to R-30S in order to place a singlewide mobile home on the property. The planning staff recommended denial because the entire area was not zoned R-30S which would allow single or doublewide mobile homes. However, there were many existing mobile homes located near this site, which were non-conforming lots. Staff based their decision to deny so spot zoning would not take place in this area of Indian Land. The Planning Commission recommended approval by a vote of 6-1.

MOTION was made by Fred Thomas to hold first reading of Ordinance #966 amending the county zoning map; specifically property petitioned by Brenda Gordon located on Little River Trails in Indian Land (tax map 13, parcel 32.03) from R-30P Low Density Residential Agricultural Panhandle District to R-30S Low Density Residential Manufactured Housing Agricultural District. SECONDED by Larry Honeycutt. PASSED 6-0

Ordinance #967 rezoning 936 Hamstead Circle

Penelope Karagounis advised that V. J. Jones applied to rezone 4 parcels of land located at 936 Hamstead Circle and Highway 160 in Indian Land from B-2 to B-3 in order to improve the land for business use. The property contained 5 singlewide mobile homes. The properties was surrounded by R-15P, B-2 and B-3. The land use map designated these parcels as low density residential. The planning staff recommended approval that the two properties fronting Highway 160 be approved because of the recent B-3 rezoning in the area. They did not recommend approval of the other two properties on Hamstead Circle because they were adjacent to the Tradewinds Subdivision and the allowance of outdoor storage for a B-3 zoning would not be in the best interest for this area. The Planning Commission recommended approval by a vote of 4-3.

MOTION was made by Fred Thomas to hold first reading of Ordinance #967 amending the county zoning map, specifically property petitioned by V. J. Jones located on 936 Hamstead Circle and SC Highway 160 (tax map 6N, block B, parcels 7, 11, & 12 and tax map 6, parcel 74) from B-2 Community Business District to B-3 General Commercial District. SECONDED by Wayne Kersey. PASSED 6-0

Ordinance #968 amending 2008-09 county budget

Steve Willis advised that as reported at the last County Council meeting, staff was working to prepare a budget amendment to both trim expenditures from the FY 2008-2009 budget and to transfer funds where staff felt it would be needed to offset increased county operation costs which would be a direct result of the state trimming their budget and services to Lancaster County citizens.

MOTION was made by Wesley Grier to hold first reading of Ordinance #968 (by title only) amending he 2008-2009 County Budget. SECONDED by Fred Thomas. PASSED 6-0

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. PASSED 6-0.

Respectfully submitted,

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

Approved by Council 01-26-2009

Larry Honeycutt, Secretary