

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

November 24, 2008

Chairman Carter called the meeting to order at 6:00 p.m. Fred Thomas 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, Chris Karres, 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 Ordinance #958 be moved to the next meeting 12/1/2008.

MOTION was made by Bryan Vaughn that Ordinance #962 be tabled until after December 31, 2008. SECONDED by Larry Honeycutt. PASSED 6-1. Opposed: Fred Thomas.

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

PUBLIC HEARINGS

Charged Properties & ECN Infrastructure Credit Agreement

MOTION was made by Fred Thomas to go into public hearing concerning an ordinance to approve an Infrastructure Credit agreement among Lancaster County, Charged Properties LLC, and ECN Industries, Inc., and to authorize the execution and delivery of the Infrastructure Credit Agreement. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

There were no comments from the public.

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

Installment Purchase – SCAGO Public Utilities Corp.

MOTION was made by Larry Honeycutt to go into public hearing regarding the ordinance authorizing the county to enter into a Base Lease and Conveyance Agreement and an Installment Purchase and Use Agreement between the County and SCAGO Public Utilities Corporation for Lancaster County; approving the form and terms of a Trust Agreement between the Corporation and Wells Fargo Bank in connection with the issuance of certain installment purchase revenue bonds for the Lancaster County Project; consent to the issuance of such installment purchase revenue bonds, 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 Code; delegating authority to the Chairman of the County Council and the County Administrator to approve and determine certain matters. 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 Fred Thomas. PASSED UNANIMOUSLY 7-0

Joint Business Park With Chester

MOTION was made by Wayne Kersey to go into public hearing to receive oral and written comments from the public concerning an ordinance 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 (2 Gillette (Duracell) parcels, and Founders Federal Credit Union Parcel) and in Chester County (the 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

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

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, commented on several sections of Ordinance 961 regarding Catawba Ridge 4400 and Catawba Ridge 200.

DISCUSSION ITEMS

Artisan Center

Steve Willis advised that a request for funding in the amount of \$16,000 for the remainder of this fiscal year was received from the Artisan's Center. The proposed center would have an art display area, Catawba pottery display area, an artist studio area and classrooms and office space. USC-L's art classes would be moved to this facility. City Council granted their portion of the requested funding. Steve Willis recommended that funding currently allocated towards SEE LANCASTER be shifted to this purpose and the balance of \$6,000 be moved to the Special Projects account as that line item can only be expended for Accommodation Tax eligible projects with a specific vote by Council.

MOTION was made by Wayne Kersey to move this to an action item on the next agenda. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Airport – Hydrology Gaging Station

Steve Willis advised that the US Geological Survey and SC Water Science Center would like to locate a hydrology gaging station on the airport property. The Airport Commission had no problem with this request and the airport FBO indicated that this would not cause any problems with airport operations. Chairman Carter advised that this would be placed on the next agenda for action.

Roads within Bailes Ridge Multi-County Business Park

Steve Willis advised that Mike Bilodeau has requested that the county accept the roads within the Bailes Ridge Multi-County Business Park. According to County Code, the owner shall prepare a deed and deliver it to the County Administrator along with a recorded plat and opinion of legal counsel that the grantor of the right-of-way has marketable fee simple title. The County Administrator should then deliver the deed and plat to the County Road Supervisor, who shall personally inspect the road to ensure that the standards have been complied with. If all standards are met and the county road supervisor recommends approval, the County Council may accept the road if funds are available. Mr. Willis informed Council that this procedure was bypassed upon the adoption of Ordinance #703 on January 9, 2006, which authorized the issuance of an Acquisition and Funding Agreement. He noted that the Public Works Department would like to have seen a stronger road built, but did not believe that the developer could be held responsible for not building a road as strong as the county would now like. He noted that the developer is preparing the necessary plats and deeds for conveyance of the roads. This was presented to Council as information.

AIRPORT FBO CONTRACT

The new FBO lease agreement was presented to Council. Chairman Carter advised that this would be placed on the next agenda as an action item.

COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

The Attorney did not have a report.

ACTION ITEMS

E-911

Steve Willis advised that Sheriff-elect Barry Faile presented him with documentation regarding the need for grounding the radios at the Lancaster County Sheriff's Office. This shortcoming at both E-911 centers (City and County) was discovered by Comporium. The City's has already been addressed. The total cost to ground the County's radios would be \$18,746.

MOTION was made by Larry Honeycutt that \$18,746 be taken from the County Contingency Funds to install grounding to protect the E-911 system. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

CLASSIFICATION & COMPENSATION PLAN

The Classification and Compensation Plan prepared by the Archer Company was brought to Council for adoption. This plan, which establishes pay scales, was presented to Council by Dr. Earnest Archer at a previous meeting.

MOTION was made by Bryan Vaughn to table action on the Classification and Compensation Plan. SECONDED by Wayne Kersey. PASSED 4-3. For: Bryan Vaughn, Wayne Kersey, Wesley Grier, Jack Estridge. Opposed: Rudy Carter, Fred Thomas, Larry Honeycutt.

PLEASANT VALLEY FIRE STATION PROPERTY

Steve Willis advised that the Pleasant Valley Fire Protection District Commission has been working to obtain property for the new Pleasant Valley Fire Station. As previously reported to County Council, they have obtained property on Harrisburg Road near the intersection of Barberville Road for a substation to cover the northern portion of the District. The funding to acquire this property is in their current annual operating budget. They have been working with the McNair Law Firm to prepare the necessary documents. A copy of the proposed contract was sent to Council under separate cover. In addition, the District has also been working to obtain property to replace their current fire station as the current station will be in the eastbound land of the widened Highway 160. Land has been tentatively acquired from Ron Olson along Possum Hollow Road. The original plan was to use the \$200,000 from the redemption of the SC160 property from Merrifield to fund this acquisition, but due to IRS regulations concerning the donation of property, Merrifield cannot redeem the property until November 2009. Mr. Willis recommended that County Council front the \$200,000 to the Pleasant Valley Fire Protection District Commission to acquire the property with the county being reimbursed from the proceeds of the SC 160 property.

MOTION was made by Bryan Vaughn that the County Administrator and Finance Director be authorized to advance the Pleasant Valley Fire Protection District Commission \$200,000 from the General Fund for the acquisition of land for a fire station with said funds being repaid from the redemption of land held on SC160 for a proposed fire station. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

BOARD & COMMISSION APPOINTMENTS

Board of Zoning Appeals

MOTION was made by Bryan Vaughn to appoint James Brooks to an unexpired term on the Lancaster County Board of Zoning Appeals representing District #1. His term to expire June 30, 2009. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

RESOLUTIONS

MOTION was made by Jack Estridge to adopt Inducement Resolution #665 for the Haile Gold Mine, Inc. Project. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

MOTION was made by Wayne Kersey to adopt Resolution #666 declaring the results of a referendum held on November 4, 2008, on the question of the imposition of a 1% capital projects sales and use tax in Lancaster County. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

MOTION was made by Larry Honeycutt to adopt Resolution #667 adopting the CONNECT Values, Vision and Action Agenda as a guide for future growth of the Greater Charlotte Bi-State Region. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

CONSENT ORDINANCE READINGS

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

- 1) 2nd reading - Ordinance #965 amending the county zoning map; specifically property petitioned by Thomas Barnes located on Barnes Street (tax map 611, 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
- 2) 2nd reading - Ordinance #966 amending the county zoning map, specifically property petitioned by Brenda Gordon located on Little River Trails (tax map 13, parcel 32.03) from R-30 Low Density Residential/Agricultural District to R-30S Low Density Residential Manufactured Housing Agricultural District
- 3) 2nd reading – Ordinance #967 amending the county zoning map; specifically property petitioned by V. J. Jones located at 9367 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

ORDINANCE READINGS

Ordinance #899 – Turkey Point

MOTION was made by Larry Honeycutt to hold 3rd reading of Ordinance #899 amending the Sun City Carolina Lakes Improvement District by adding the area known as “Turkey Point” to the Sun City Carolina Lakes Improvement District. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #944 – Installment Purchase (SCAGO Public Facilities Corp)

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

After the vote, Steve Willis advised that the process includes County Council appointing a board, consisting of two community members, who would sign off on some of the paperwork for the courthouse project and bonds. Since he had not received any recommendations from Council members, he

recommended that Council consider two members from the Capital Projects Sales Tax Commission, Larry Durham (a city representative) and David Debruycker (a county representative).

MOTION was made by Fred Thomas to appoint Larry Durham and David Debruycker from the Capital Improvement Committee to serve as the committee to sign off on paperwork for this project. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #954 – Procurement Code

MOTION was made by Wayne Kersey to hold 3rd reading of Ordinance #954 to amend section 2-161 of the Lancaster County Code of Ordinances so as to allow implementation of relevant provisions of the South Carolina 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

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

Third reading moved to December 1, 2008 meeting

Ordinance #962 Charged Properties and ECN Industries Infrastructure Credit Agreement

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

Ordinance #963 amending Carolina Heelsplitter Overlay District

MOTION was made by Larry Honeycutt to hold 3rd 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 6-1. Opposed: Fred Thomas.

Ordinance #915 – Road Construction Standards

MOTION was made by Fred Thomas to hold 2nd reading of Ordinance #915 adopting an Article regarding Road Construction Standards. SECONDED by Wesley Grier. PASSED 5-2 Opposed: Jack Estridge, Wayne Kersey.

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

MOTION was made by Bryan Vaughn to hold 2nd 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 Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #960 Collins Road Site Development Agreement

Fred Thomas advised that the committee is negotiating with the developer for \$1 million to be given to the county up front and no other would be money given by the developer. Mike Ey noted that language concerning this money would be made part of the development agreement.

MOTION was made by Wayne Kersey to hold 2nd reading of Ordinance #960 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 Fred Thomas. PASSED UNANIMOUSLY 7-0

Ordinance #961 amending Development Agreement for Catawba Ridge

Removed from agenda

Ordinance #964 - Haile Gold Mine, Inc., fee agreement

MOTION was made by Wayne Kersey to hold 2nd reading of Ordinance #964 authorizing the execution and delivery of a fee agreement by and between Lancaster County, South Carolina and Haile Gold Mine, Inc., and providing for a payment of a fee-in-lieu of taxes . SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

Ordinance #968 – 2008-09 budget amendment

MOTION was made by Bryan Vaughn to hold 2nd reading of Ordinance #968 amending Ordinance #920 relating to the establishment of the budget for Lancaster County and the levying of taxes for fiscal year beginning July 1, 2008, so as to further provide for the revenues and expenditures during the fiscal year. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. PASSED UNANIMOUSLY 7-0.
The meeting adjourned at 8:10 p.m.

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