

MINUTES OF THE REGULAR MEETING  
OF THE  
LANCASTER COUNTY COUNCIL

December 1, 2008

Chairman Carter called the meeting to order at 5:50 p.m.

MOTION was made by Wayne Kersey to go into executive session to discuss an economic development matter. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

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

REGULAR MEETING

Chairman Carter called the meeting back to order and advised that Council was briefed on an economic development matter in executive session and no action would be taken as a result of executive session.

Wesley Grier 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 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

MOTION was made by Wesley Grier to reconsider the vote to table 2<sup>nd</sup> reading of Ordinance #961 until after December 31, 2008, voted on during the last meeting. SECONDED by Fred Thomas. PASSED 4-3. For: Wesley Grier, Fred Thomas, Rudy Carter, Larry Honeycutt. Opposed: Jack Estridge, Bryan Vaughn, Wayne Kersey.

MOTION was made by Wayne Kersey to approve the agenda as amended. SECONDED by Wesley Grier. PASSED 6-1. Opposed: Jack Estridge

RECOGNITION OF RETIRING COUNCIL MEMBERS

Bryan Vaughn, Wayne Kersey, and Wesley Grier were recognized for their years of service on County Council and were presented with an engraved clock.

PUBLIC HEARINGS

Amending the 2008-2009 County Budget

MOTION was made by Fred Thomas to go into public hearing concerning the adoption of an Ordinance amending the 2008-2009 County Operating Budget, specifically reducing expenditures and

projected revenues at least 1% due to state budget cuts. SECONDED by Wayne Kersey. 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

#### Fee Agreement – Haile Gold Mine Project

MOTION was made by Wayne Kersey to go into public hearing regarding an ordinance authorizing the execution and delivery of a fee agreement by and between Lancaster County and Haile Gold Mine, Inc., providing for a payment in lieu of taxes. SECONDED by Wesley Grier. 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

#### CITIZENS COMMENTS

Ernest Garvin, 4249 Cole Creek Drive, Indian Land, spoke about noise from the concrete facilities behind the development where he lives in Indian Land.

#### FINANCE REPORT

Veronica Thompson presented the finance report for month ending October, 2008. Council accepted the report as information.

#### COMMITTEE REPORTS

There were no committee reports

#### COUNTY ATTORNEY REPORT

The attorney did not have a report.

#### COUNCIL MEETING SCHEDULE

MOTION was made by Jack Estridge to adopt the Meeting and Holiday Schedule for 2009. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

#### ARTISAN CENTER

During the last meeting, 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. A motion had been made to place this request on this agenda for action.

MOTION was made by Wayne Kersey to fund the request from the Artisan Center and that the Finance Director include the following items in the Budget Amendment Ordinance: (1) reduce SEE LANCASTER line item to \$8,000; (2) increase Special Projects line item to \$10,000; (3) create a line item for

Artisan Center with funding in the amount of \$22,000. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

#### AIRPORT – HYDROLOGY GAGING STATION

MOTION was made by Fred Thomas to authorize the County Administrator to approve the request for the US Geological Survey to locate a Hydrology Gaging Station at the Lancaster County Airport as indicated in their request of November 14, 2008. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

#### AIRPORT FBO CONTRACT

Steve Willis advised that Dotsy Helms, an attorney with the McNair Law Firm, reviewed the Agreement and only some typos and a few minor changes were made to the document.

MOTION was made by Larry Honeycutt that the County Council Chairman, County Administrator, and Clerk to Council are authorized to execute on the County's behalf the document, with the change noted by the County Attorney, entitled "Lancaster County Airport – McWhirter Field Lease, Use and Operating Agreement" dated January 1, 2009. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

#### ROADS WITHIN THE BRIDGE MILL AND BRIDGE HAMPTON SUBDIVISIONS

Steve Willis advised that this request was submitted to Council earlier this year and received a negative vote. The roads in these subdivisions are in good shape and received a positive recommendation from Public Works. The plats have been submitted and deeds will be prepared if Council votes in the affirmative.

MOTION was made by Bryan Vaughn to assume ownership of the roads within the Bridge Hampton and Bridge Mill Subdivisions. SECONDED by Fred Thomas. PASSED 6-1. Opposed: Jack Estridge

#### FOSTER TREATMENT PLANT REPAIRS

Steve Willis advised that during the last meeting, a report and proposed Resolution to fund needed repairs to the County's Foster Wastewater Treatment Plant was presented to them. After reviewing the quote with SC DHEC, they concurred that the time frame imposed by DHEC was driving up the cost and allowed the county to go back out for additional bids for the repairs. Council tabled the matter at the last meeting until a new plan of action could be determined in consultation with SC DHEC and our Wastewater Treatment Plant operator Rick Gardner from JG Environmental. He noted that a revised course of action has been received from DHEC. The new cost of \$26,740.00 was almost \$20,000 less than the previous cost estimate for more involved repairs.

MOTION was made by Fred Thomas to remove from table. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

MOTION was made by Wesley Grier that \$26,740 from the County Contingency Fund be utilized to make repairs to the Foster Wastewater Treatment Plant as outlined by SC DHEC and Rick Gardner from JG Environmental. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0.

#### BUDGET AMENDMENT/TRANSFERS

Veronica Thompson advised that the budget transfers totaled \$152,242. A list of the transfers is attached.

MOTION was made by Fred Thomas to approve the budget transfers presented by the Director of Finance totaling \$152,242. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

#### BOARD & COMMISSION APPOINTMENTS

There were no appointments.

#### INDUCEMENT RESOLUTION #668 – APM Terminals North America

MOTION was made by Larry Honeycutt to adopt Inducement Resolution #668 to induce APM Terminals North America, Inc., to locate its corporate headquarters facility within Lancaster County, whereby the County will allow a five-year exemption from non-school county ad valorem property taxes with respect to the corporate headquarters facility in the County. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

#### CONSENT ORDINANCE READINGS

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

- 1) 3<sup>rd</sup> 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) 3<sup>rd</sup> 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) 3<sup>rd</sup> 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 #915 – Road Construction Standards

MOTION was made by Fred Thomas to reschedule to the December 8, 2008 meeting 2<sup>nd</sup> reading of Ordinance #915 adopting an Article regarding Road Construction Standards. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

##### Ordinance #932 sale of property in Business Park

Steve Willis advised that the County is committing to some expenditures related to the upgrade of the park including road resurfacing, a traffic signal and landscaping upgrade.

MOTION was made by Larry Honeycutt to hold 3<sup>rd</sup> reading of Ordinance #932 to approve the sale of approximately 17 acres of real property owned by Lancaster County located in the Lancaster Business Park (ADEVCO Project); to approve a real property purchase agreement for the property; and to authorize county officials to take such actions as may be necessary to effectuate the purposes of this ordinance. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0

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

MOTION was made by Larry Honeycutt to hold 3<sup>rd</sup> 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 UNANIMOUSLY 7-0

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

MOTION was made by Wayne Kersey to hold 3<sup>rd</sup> 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

MOTION was made by Larry Honeycutt to hold 3<sup>rd</sup> 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 #964 Haile Gold Mine, Inc., fee agreement

MOTION was made by Jack Estridge to hold 3<sup>rd</sup> 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 Wayne Kersey. PASSED UNANIMOUSLY 7-0

Ordinance #968 – 2008-09 budget amendment

MOTION was made by Fred Thomas to hold 3<sup>rd</sup> 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 Larry Honeycutt. PASSED 6-1. Opposed: Bryan Vaughn

Ordinance #955 traffic alleys and roundabouts

MOTION was made by Wayne Kersey to hold 3<sup>rd</sup> reading of 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. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #956 Roundabout and Clear Space

MOTION was made by Larry Honeycutt to hold 3<sup>rd</sup> reading of Ordinance #956 amending the text of the UDO, Chapter 19, to add a definition for Roundabout and Clear Space. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0

Ordinance #961 amending Development Agreement for Catawba Ridge

A motion to reconsider 2<sup>nd</sup> reading was made and voted upon earlier in the meeting.

MOTION was made by Fred Thomas to hold 2<sup>nd</sup> reading 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 Larry Honeycutt. PASSED 5-2. For: Fred Thomas, Wesley Grier, Rudy Carter, Larry Honeycutt, Wayne Kersey. Opposed: Bryan Vaughn, Jack Estridge.

EXECUTIVE SESSION

MOTION was made by Wesley Grier to go into executive session to be briefed on a legal matter. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0

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

No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. PASSED UNANIMOUSLY 7-0. the meeting adjourned at 8:00 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

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Larry Honeycutt, Secretary