

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

December 7, 2009

Chairman Rudy Carter called the December 7, 2009, meeting to order at 6:00 p.m. Cotton Cole offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Larry Honeycutt, Secretary Kathy Sistare, Jack Estridge, Larry McCullough, D. W. "Cotton" Cole and Charlene McGriff. Also present were Steve Willis, Mike Ey, Irene Plyler, Veronica Thompson, Chris Karres, Keith Tunnell, Sheila Morgan, spectators, 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

Mike Ey requested that Ordinance #1007 be moved from the consent agenda to the regular portion of the agenda.

MOTION was made by Kathy Sistare to approve the agenda as amended. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0 .

SPECIAL PRESENTATION

Rudy Carter recognized Robin Hargett, the citizen who noticed and called in the Courthouse fire in the summer of 2008. He presented her with an 1828 handmade brick from the courthouse with a plaque attached thanking her for her citizenship.

PUBLIC HEARINGS

MOTION was made by Larry Honeycutt to go into public hearing to receive comments from the public regarding three separate ordinances. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

- a) Ordinance #1010 authorizing the execution and delivery of a fee agreement by and between Lancaster County, South Carolina and Greyne Custom Wood Co., LLC, providing for a payment of a fee-in-lieu of taxes and an infrastructure credit; authorizing the execution and delivery of an Infrastructure Financing Agreement by and between Lancaster County, South Carolina and Little Buildings, LLC, providing for payments in lieu of taxes and an infrastructure credit; and other matters related thereto.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, asked that the Council elaborate as to how much the fee-in-lieu of tax saves this company and how many jobs will be provided to Lancaster County residents. Keith Tunnell stated that they will be making a \$4.75 million investment. They are purchasing a building in Indian Land that is vacant. They will bring 20 jobs with them but will hire 35 brand new jobs. Their agreement stipulates that they are to use the County's one-stop office. Positions will average around \$12-\$15 per hour. It is a custom wood flooring company. He did not have other figures with him.

- b) Ordinance #1011 authorizing and approving 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 (Greyn Custom Wood Co., LLC); 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.

There were no comments

- c) 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.

There were no comments

MOTION was made by Charlene McGriff to go out of public hearing and back into regular session. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

CITIZENS COMMENTS

Winston Smith, 1820 Havenwood Drive, spoke in opposition to the possibility of a business license. Felt things should be kept as they are and not increase the tax.

Jane Tanner, 17041 Whittingham Drive, Indian Land, asked Council to change their meeting time in 2010 to a little later and invited Council to conduct some of their meetings in Indian Land. She represented the Indian Land Action Council and invited Council to their December meeting which will be a Christmas mixer.

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, asked that Council consider changing the meeting time to later so that folks who work out of town would have time to get to the meetings.

2008-2009 AUDIT REPORT

Sheila Morgan CPA from the McAbee, Talbert and Halliday Accounting firm, presented and reviewed the audit as of June 30, 2009. She reported that their opinion was unqualified for the financial statements, which is the highest level that they, as CPAs, can give. She pointed out that not all governmental entities receive an unqualified opinion, which Lancaster County should be proud of. She also pointed out that they found that there were no adjustments that needed to be made that management had not already made, they had no disagreements with management and no difficulties were encountered in forming the audit. As of June 30, 2009, the general fund had a fund balance of \$17,912,000, of which \$15,462,000 was unreserved and available for county operations. For all county funds, the total fund balance was \$65,420,000, of which \$57,588,000 was unreserved. Council accepted the report as information.

LIBRARY BONDS

Steve Willis advised that the Library Board would like to pursue the placement of a Library Bond question on the November 2010 ballot. They have been working with an architect for some time to develop plans for complete renovation of the main library and upgrade the branches in Kershaw and Indian Land. However, at this early stage, they wanted to receive Council's consent to continue the planning process. Steve Willis asked Council for their permission to work with the County Attorneys to develop the necessary information Council will need to consider action to place this on the November 2010 ballot. Cotton Cole commented that he felt it was time that District #3 had a library rather than spending on the current facilities.

It was discussed that a needs assessment would need to be done prior to a new library being considered for that area. The majority of Council had no objections to the Library Board, Richard Band, and Steve Willis working with the McNair Law Firm to develop whatever is needed to place this on the ballot.

SHERIFF OFFICE GRANTS

Steve Willis advised that the Sheriff requested authorization to apply for several grants which would be 95% federally funded and require a 5% local match. There are 9 grants with a federal share of \$1,860,137 and a local share of \$97,899 for a total of \$1,958,035 in grants applied for. The grants were:

- Crime Scene Investigators - \$238,585 federal, \$7295 local
- Two equipment grants –
 - 60 Mobile Data terminals - \$464,740 federal, \$24,460 local
 - tactical equipment - \$76,965 federal, \$4,053 local
- Six Equipment and Personnel Grants
 - Gang Unit - \$221,129 federal, \$11,639 local
 - Child/Elder Abuse Investigator - \$127,559 federal, \$6,713 local
 - Narcotics Unit - \$397,888 federal, \$20,937 local
 - White Collar Crime Investigator - \$108,197 federal, \$5,695 local
 - Evidence Technician - \$52,004 federal, \$2,737 local
 - Drug Analyst & Lab Equipment - \$273,060 federal, \$14,370 local

MOTION was made by Larry Honeycutt to move this to an action item on the next regular meeting agenda. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

BUSINESS LICENSE

Larry McCullough reported that earlier this year a business license feasibility committee was formed. The committee met and agreed that the intent was not to look at people's books. The general consensus of the committee was to recommend the possibility of a business registration permit of around \$50. The county would not make money from this and it will not cost the county more than the benefit. Two counties in SC have business registration permits. He understands that state law only allows \$15. Steve Willis was asked to pursue with the state legislators the possibility of getting this fee changed. However, after discussion and motion to have the administrator develop a plan on how this will be implemented and how Lancaster County would benefit from having a business registration permit, which was later withdrawn, the Chairman dissolved the Business License Feasibility Committee. It was then discussed that a motion could be put on the table to not bring this subject up again for 2 or 4 years; however, Council was advised that they could not bind a future Council so it was decided that a business license would not again be brought up for discussion during this Council's term of office.

CONSENT ORDINANCE READINGS

MOTION was made by Larry Honeycutt to adopt consent ordinances #1, #2, #3, #5, and #6 as follows: SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0 except Ordinance #1002 amending the fee agreement for Haile Gold Mine. Mr. Jack Estridge abstained from that vote because of a conflict (abstention form attached).

- 1) 3rd reading – Ordinance #1002 - To approve 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 Agreement dated December 1, 2008, between the County and Chester County so as to add property covered by the Agreement; and to provide for other matters related thereto.

- 2) 3rd reading – Ordinance #1005 authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Lancaster County and Lancaster Real Estate Group, LLC; authorizing a special source revenue credit in favor of Lancaster Real Estate Group, LLC; consenting to the assignment to Lancaster Real Estate Group, LLC of the fee-in-lieu of tax agreement entered into as of December 3, 2007 among Lancaster County, Senderra Real Estate Holdings, LLC and Avelo Mortgage, LLC; and other matters relating thereto
- 3) 3rd reading – Ordinance #1006 amending the county zoning map; specifically property petitioned by Patricia Strickland located at 2710 Charlotte Highway (tax map 49, parcel 48) from R-30 Low Density Residential/Agricultural District to B-2 Community Business District
- 5) 2nd reading – Ordinance #1008 amending the text of the UDO to add Ice Plants to the B-3 General Commercial District in the Table of Permissible Uses
- 6) 2nd reading – Ordinance #1009 amending Division 5, Prisoner Housing Fees, Section 2-233, Responsibility for Prisoner Care, of the Lancaster County Code

At this point, Councilman Larry Honeycutt excused himself from the meeting.

COUNCIL COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

There was no attorney report in open session.

SCHEDULE OF COUNCIL MEETINGS FOR 2010

MOTION was made by Cotton Cole to schedule County Council meetings for 2010 as listed in the agenda at 6:00 p.m. in County Council Chambers. SECONDED by Charlene McGriff. PASSED 6-0. Absent: Larry Honeycutt

ORDINANCE READINGS

Ordinance #1007 – International Building Code language - **tabled**

Mike Ey informed Council that this ordinance will be incorporated into the new ordinance being submitted tonight by Chris Karres as both ordinances would modify the same code sections of the UDO. He would like to combine them into one ordinance and asked that this ordinance be tabled.

MOTION was made by Charlene McGriff to table reading of Ordinance #1007. SECONDED by Cotton Cole. PASSED 6-0. Absent: Larry Honeycutt

Ordinance #1010 – Greyne Custom Wood fee agreement

MOTION was made by Cotton Cole to hold 2nd reading of Ordinance #1010 authorizing the execution and delivery of a fee agreement by and between Lancaster County, South Carolina and Greyne Custom Wood Co., LLC, providing for a payment of a fee-in-lieu of taxes and an infrastructure credit; authorizing the execution and delivery of an Infrastructure Financing Agreement by and between Lancaster County, South Carolina and Little Buildings, LLC, providing for payments in lieu of taxes and an infrastructure credit; and other matters related thereto. SECONDED by Jack Estridge. PASSED 6-0. Absent: Larry Honeycutt

Ordinance #1011 – Greyne Custom Wood - joint industrial park agreement

MOTION was made by Charlene McGriff to hold 2nd reading of Ordinance #1011 authorizing and approving 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 (Gryne Custom Wood Co., LLC); 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 Jack Estridge. PASSED 6-0. Absent: Larry Honeycutt

Ordinance #1012 – Amend Table Of Permissible Uses

Chris Karres advised that the following uses need to be removed from the I-1 Light Industrial District: Veterinary Service with outdoor pens; Boarding Horses, Retail Store – Home Furniture, Furnishings and Appliances; Drive-In Movie Theater, Religious Institutions, and Home Occupation. The following uses need to be deleted from the I-2 Heavy Industrial District: Home Occupation and Automotive Repair Shop. He advised that the uses do not complement with district uses in the I-1 and I-2 Districts and, by deleting them, it would help decrease any nuisance complaints. The Planning Commission voted to recommend approval by a vote of 5-0.

MOTION was made by Charlene McGriff to adopt first reading of Ordinance #1012 amending the UDO, Table of Permissible Uses as follows: Delete from I-1, Light Industrial District, Veterinary Service with outdoor pens; Boarding Horses, Retail Store – Home Furniture, Furnishings and Appliances; Drive-In Movie Theater; Religious Institutions; Home Occupation; and delete from I-2 Heavy Industrial District, Home Occupation and Automotive Repair Shop. SECONDED by Larry McCullough. PASSED 6-0. Absent: Larry Honeycutt.

Ordinance #1013 – Amend UDO.

Chris Karres advised that this text amendment would modify the language in Section 8 of the UDO dealing with appointments and terms of the Board of Zoning Appeals, Planning Commission, and Construction Board of Adjustment and Appeals, requiring residency within the County Council district appointed to serve, clearly defining the length of term and number of terms allowed to serve, explaining the number of meetings that can be missed within a one-year period, defining how mileage and actual expenses shall be reimbursed, adding the requirement that a member may be removed by County Council for cause, requiring that a budget be submitted to County Council annually, that all purchases shall follow County purchasing policy, that an audit be conducted annually, that board members fall under the county personnel policies, and that training is required for all members. These changes are part of a larger ordinance being considered that will make these same changes apply to all county boards and commissions. He explained that these amendments are needed in order for the regulations for these three boards and commission, that are contained in the UDO, be the same as those contained in the county's code of ordinances.

As County Attorney Mike Ey stated earlier, ordinance #1007 will be incorporated into this ordinance at the next reading.

MOTION was made by Charlene McGriff to hold first reading of Ordinance #1013 amending the UDO Sections 8.1.1, 8.61, 8.6.6, 8.7.2.1, 8.7.3, 8.7.4, 8..5, 8.7.6, and 8.7.7 to modify the language dealing with the operations of the Planning Commission, Board of Zoning Appeals, and Construction Board of Adjustment and Appeals. SECONDED by Cotton Cole. PASSED 5-1. Opposed: Cotton Cole. Absent: Larry Honeycutt

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session to receive a legal briefing. SECONDED by Kathy Sistare. PASSED 6-0. Absent: Larry Honeycutt

MOTION was made by Cotton Cole to go out of executive session and back into regular meeting. SECONDED by Larry McCullough. PASSED 6-0. Absent: Larry Honeycutt

As Council came out of executive session, Chairman Carter announced that Council received a legal briefing regarding a litigation matter, and that a motion would be forthcoming.

MOTION was made by Cotton Cole that we authorize the County Administrator to spend up to \$14,800 for an engineering study for the Edenmoor project to find out what we need to do to get this resolved. SECONDED by Charlene McGriff. PASSED 6-0. Absent: Larry Honeycutt

ADJOURNMENT

MOTION was made Charlene McGriff to adjourn. SECONDED by Cotton Cole. PASSED 6-0 The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 01-04-2009

Kathy Sistare, Secretary