

MINUTES OF THE SPECIAL MEETING
OF THE
LANCASTER COUNTY COUNCIL

December 21, 2009

Chairman Carter called the meeting to order at 6:00 p.m. on Monday, December 21, and offered the invocation.

County Council members present were Chairman Rudy Carter, Larry Honeycutt, Kathy Sistare, Jack Estridge, Larry McCullough, D. W. Cotton Cole, and Charlene McGriff. Also present were Steve Willis, Mike Ey, Irene Plyler, Chris Karres, and Keith Tunnell. The press was not in attendance.

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

County Attorney Mike Ey asked that reading of Resolution #708 be added to the agenda. Chris Karres added the distribution of the Capital Improvement Plan. Larry Honeycutt asked that funding for HOPE be added.

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

CITIZENS COMMENTS

There were no citizens comments.

CAPITAL IMPROVEMENT PLAN

Chris Karres placed at each Council Members seat a copy of the Capital Improvement Plan which was developed in 2006 by the Catawba Regional Council of Governments. He advised that the COG met with every county department head and elected official at least once and some on several occasions before the plan was finalized. It has had two readings by County Council, but 3rd reading was never held because Council was concerned that if items were listed in the CIP, it meant that funds would have to be found to pay for that item in that specific year. However, he advised that it has been used as a guide during preparation of the budget even though it has never formally been adopted. It will be part of the Comprehensive Plan that will be updated next year. Charlene McGriff asked what would need to be done to make it official. Chairman Carter asked that it be placed on the January 4 agenda as a discussion item.

ORDINANCE READINGS

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

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

RESOLUTION

Mike Ey explained that a fee-in-lieu was entered into by TKC CXX, LLC and Metso Paper USA in March of 2008. TKC assigned their interest in that agreement to a couple of other LLCs last year. They are now asking County Council to approve and ratify those assignments. The fee arrangements remain in place. Keith Tunnell advised that it should have been brought to Council at the time but was an oversight on the company's part and are now bringing it to County Council for ratification. It was noted that the company will face fines with the Department of Revenue for delaying this action.

MOTION was made by Kathy Sistare to adopt Resolution #708 consenting to an Assignment of Interests under a fee-in-lieu of tax agreement with Lancaster County, South Carolina, by TKC CXX, LLC to Jim Loen 2008 LLC and John Kassis 2008 LLC and other matters related thereto. SECONDED by Charlene McGriff. PASSED UNANIMOUSLY 7-0

HOPE OF LANCASTER

Larry Honeycutt mentioned, as Council was already aware, that HOPE is being besieged with requests for assistance this year. The community has come together to help, but asked that Council consider donating \$3,000 from last year's fund balance to also help HOPE this year.

MOTION was made by Larry Honeycutt to donate \$3,000 to HOPE of Lancaster from the fund balance. SECONDED by Cotton Cole. PASSED 4-2. For: Larry Honeycutt, Cotton Cole, Rudy Carter, Charlene McGriff. Opposed: Larry McCullough, Jack Estridge. Kathy Sistare recused herself from voting as she is a member of the Board of HOPE (recusal form attached).

EXECUTIVE SESSION

MOTION was made by Charlene McGriff to go into executive session concerning a legal matter. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

MOTION was made by Kathy Sistare to go out of executive session and back into regular meeting. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

As Council came out of executive session, Chairman Carter advised that Council was briefed on a matter of litigation and a motion would be forthcoming.

MOTION was made by Cotton Cole that Council approve the proposed settlement of the lawsuit relating to the County's 911 system as presented to Council by the County Attorney in executive session, and authorize the County Administrator to take such actions as necessary to make the settlement effective, including the signing of documents and disbursement of monies. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

ADJOURNMENT

MOTION was made by Larry Honeycutt to adjourn. SECONDED by Cotton Cole. The meeting adjourned at 6:33 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 01-04-2010

Kathy Sistare, Secretary