

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

September 28, 2009

Chairman Rudy Carter called the meeting to order on Monday, September 28, at 6:00 p.m. Jack Estridge offered the invocation.

County Council members present were Chairman Rudy Carter, Vice-Chairman Larry Honeycutt, Secretary Kathy Sistare, Jack Estridge, Larry McCullough, and D. W. "Cotton" Cole. Also present were Steve Willis, Mike Ey, Veronica Thompson, Irene Plyler, Chris Karres, Chad Catledge, Danny Mullis, Vince Keene, Scott Twitty, spectators, and one member of the press from the Kershaw News Era.

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 four assessment roll resolutions be added, 2 resolutions concerning Fire Commission Week and Crime Prevention Month be added, and the committee report from the Sign Committee moved to an action item.

MOTION was made by Larry McCullough to approve the agenda as amended SECONDED by Cotton Cole. PASSED 6-0.

CITIZENS COMMENTS

Joan Williams, 407 Rosewood Court 283-3171, spoke about the replacement of the floor in the historic courthouse. She feels brick is much more authentic for the bottom floor of the courthouse and asked County Council to consider this.

Ron Hutchinson, 5237 Firewater Lane, Indian Land, 803-598-5116, is the VP of the Hanover Crossing Homeowners Association. The house at the entrance to Hanover Crossing is an eyesore. He approached Council about a month ago to ask to have it cleaned up, but nothing has been done. He stated that there is an ordinance in effect regarding maintenance of property. Feels the law on the books should be enforced and someone require them to clean up the property.

Tom Kubik, 2034 Carnoustie Court, 803-391-8497, lives in the Firethorne subdivision. The residents and property owners urged him to come to County Council to request Council's support in accepting the roads in the Firethorne Subdivision. He noted that here are 59 property owners on the Lancaster County side of the subdivision..

John Baker, 2293 New Hope Road, Heath Springs, 283-8399, stated that he agreed with Ms. Jo Williams about the first floor of the courthouse being brick. He spoke about the cell tower ordinance and noted that years ago there was extensive debate regarding placing cell towers adjacent to someone's

property. He felt that cell towers close to residential property would decrease the value of the property. The ordinance already adopted states that the adjoining property owners can waive the setback requirements. He asked Council to reject this request.

EDGEWATER DEVELOPMENT UPDATE

Vince Keene from PB&J Engineering, the engineer for the Edgewater development, updated Council on the Edgewater development. They are now in Edgewater Phase 2-A, which is divided into five construction phases - phases 2, 3, 4, 5, and 6. Phase 1 was the actual extension of Catawba Ridge Blvd. that has been completed, including the bridge across Bear Creek. Phase 2-A consists of clearing, erosion control, grading, storm drainage, sanitary sewer system, water distribution system, curb and gutter and paving. Infrastructure installation for phases 2, 3, and 4 is 100% complete. The developer is also coordinating with Duke Power to extend the power to two new pump stations that serve phases 2 and 3. The water and sewer distribution lines for phases 2, 3, and 4 have passed all required tests by the Lancaster County Water & Sewer District and the Edgewater District engineer. Once power has been supplied to the new pump stations, the water and sanitary sewer systems can then be finalized. Phase 4 is in the process of being finalized by the District. The infrastructure for the construction of phases 5 and 6 is substantially complete with water main, curb and gutter, and paving to be completed this fall. Completion of all infrastructure and final acceptance by the Lancaster County Water & Sewer District of Edgewater Phase 2-A is expected by the end of this year.

He informed Council that clearing of phase 2-A is 100% complete, erosion control is 100% complete, grading is 99% complete, storm drainage is approximately 96% complete, sewer is 99% complete and in the ground, the force mains that serve the 2 pump stations are 100% complete and tested, the water main has been installed to 79% complete, the curb and gutter is installed to 82%, and paving is at 84% complete.

Scott Twitty with Craft Development went over the development plan and operations. He noted that the Edgewater team has been working over the last few years to design and complete construction of the first phase of amenities. The golf club, pro shop, and community pavilion opened in September 2008. In early 2008, construction of the gate house was completed. They have constructed over 2 miles of paved pedestrian paths, installed connectivity through the various neighborhoods within Edgewater. Boulevard enhancements including irrigation and landscaping are complete on the two main thoroughfares. The lakeside park has been constructed which provides access to the lake with boardwalks, hammocks, fire ring, a lake shelter. They constructed two acres of secured boat and RV storage adjacent to the golf maintenance facility for use by residents and lot owners. They are presently obtaining approvals from Duke Energy and the Federal Emergency Regulatory Commission for construction of their proposed residential and public arenas. They continue to market the property.

Larry Honeycutt questioned Mr. Twitty and Mr. Keene concerning fees being charged to property owners by a Homeowners Association. The Kuester Management Co. came on board after the Edgewater folks that the county had originally dealt with left, and sent a letter to the property owners telling them they owed \$450 over and above the \$100 they had already agreed to pay when they purchased their property. After an attorney contacted Kuester, it was reduced to \$180 plus the \$100. He was curious as to what the \$280 is being used for. Mr. Twitty advised that everyone at Edgewater pays \$180 base fee that covers all the common area maintenance, predominantly both boulevards and the gate house and the entrance. He felt that the way Kuester wrote the letter caused some confusion as the letter mentioned that there would be an additional assessment once the pools and future amenities came on board. The property owners thought that that was a current assessment and that they were being charged for an amenity that was not in existence. Clarification letters have been sent out and no-one has been

assessed for that. In addition, Mr. Honeycutt advised that the property owners have never been contacted about a homeowners association. They have never met nor been sent literature. He also did not like the fact that the new management company didn't contact the property owners when they took over. He felt that the \$180 charge should be returned to the landowners since they were never contacted about this addition charge by the Homeowners Association. He asked for the names of the officers of the Homeowners Association, which Mr. Twitty said he would furnish. Mr. Honeycutt noted that Kuester will not answer phone calls from property owners. He felt communications with the property owners was lacking. Mr. Twitty told Mr. Honeycutt that in the future if anyone has a responsiveness issue, to ask them to contact him directly. Mr. Twitty also advised that he was of the understanding that a new management company will be taking over in November. He will furnish that name to Council.

ENERGY SAVINGS PROJECT

The update was postponed as Mr. Bennett was not in attendance.

HISTORICAL COURTHOUSE UPDATE - FLOORING

Chad Catledge advised that they are making progress on construction of the historic courthouse. He informed Council that Mr. Munnerlyn, the architect, approached him about bringing the ground floor (2800 sq. ft.) back to a more historic look using brick pavers, the cost of which would be an increase of \$40,000 to \$45,000 from the present budget. He noted that a decision needs to be made concerning the flooring in the next few weeks as the construction schedule will be made in the next couple of weeks. A suggestion was made that perhaps corporate sponsors could be approached if Council wanted to pursue placing a brick floor on the bottom level. Steve Willis was asked to check on the building permit fees to be received for the Indian Land Walmart store as a possible funding source for the proposed brick floor and bring it back to Council at the next meeting. No action was taken.

NEW JUSTICE CENTER

Danny Mullis from BE&K advised that they started to move the dirt on September 8 and, as of now, are on schedule. The concrete and steel sub-contractors are on board. On September 10, they held their second interest generating meeting so that contractors and suppliers could learn how to become involved in the project. He noted that of the three subcontractors under contract, there is about \$940,000 committed to subcontractors or suppliers here in Lancaster County.

CELL TOWERS

Chris Karres advised that he had nothing new to bring to Council this evening from what was taken to Council during the prior meeting. However, during the last meeting, Councilman Honeycutt was concerned that the adjacent property owners would not have a say if a tower was to be placed adjacent to their homes. Mr. Karres asked Council whether input by adjacent property owners was a major concern. If it was, then the applications by the cell tower companies would have to be taken to the Board of Zoning Appeals for review and approval. Cotton Cole requested that the ordinance state that new cell towers cannot block any of the county's emergency services towers. Chris Karres was asked to bring proposals to County Council at the next meeting in writing.

COMPORIUM FRANCHISE REQUEST

Steve Willis advised that Comporium made application for a State-Issued Certificate of Franchise Authority to provide cable or video service in the Lancaster County area. SC Laws requires that within

five days of receipt of an application, the Secretary of State must notify each affected municipality and county of its receipt of application. The application was filed on September 3. State laws also provides that the county or municipality must respond to the request within 65 days of the date of the request. If the county does not consent, the county must provide an explanation of the reasons for the denial. Mr. Willis advised that this was formerly negotiated between communications companies and local governments; however, the State legislature changed the process and placed approval under state control. Lancaster County must respond with 65 days or the state standard agreement is automatically approved. Councilman Estridge asked whether Comporium had any plans to expand their service area to include the entire County. Steve Willis will check with Comporium and request a service area map.

MOTION was made by Kathy Sistare to move this to an action item on the next agenda. SECONDED by Larry Honeycutt. PASSED 6-0.

COMPORIUM ALARM CHARGES

Steve Willis advised that an alarm system was recently installed at the County's Human Services Complex. A detailed report of the work completed was submitted by Comporium. He asked Council to approve the cost to install this security system, since it is a county-owned building and does contain pharmaceuticals and vital records. The cost of \$4,112.52 also included a charge related to relocating a security camera at the Temporary Judicial Center. He recommended that the funding come from the Council Contingency line item. (see motion below under action items)

AIR QUALITY INITIATIVES

Steve Willis advised that the Catawba Regional Council of Governments has submitted for Council's review language concerning air quality initiatives to be included in future projects. A brief summary of the language follows: The contractor shall perform work in compliance with all applicable local, state and federal environmental laws; shall use low emission equipment that conforms to the federal Tier 2 non-road emission standards for all land based non-road equipment producing between 100 and 750 horsepower; turn off diesel combustion engines on construction equipment not in active use; develop and implement a dust control plan; and maintain the area of activity, including sweeping and sprinkling of unpaved/paved roads and work areas as necessary. If the owner/engineer decides that it is necessary to use calcium chloride or more effective dust control, the contractor shall furnish and spread the material without additional compensation.

Steve Willis proposed that an idling policy be included in the county's motor vehicle policy which would require that all county vehicles not idle for more than five consecutive minutes or for more than five aggregate minutes in any one hour time period, except when stopped for traffic conditions which the driver has no control over; when idling is necessary for vehicle testing, inspection or servicing; when idling is needed to operate ancillary equipment such as emergency warning lights, pumps, crane, lifts; to cool a turbo-charged heavy duty vehicle; to recharge electrical equipment or battery; to operate defroster, heater, etc, or to prevent a health or safety emergency to a patient or to an animal in a police K-9 unit. Idling to keep the vehicle at a comfortable temperature for the operator is not an authorized exception.

MOTION was made by Larry Honeycutt to move this to an action item on the next agenda. SECONDED by Kathy Sistare. PASSED 6-0.

COG POTENTIAL GRANT PROJECT

Steve Willis wanted to make County Council aware that the county is working with the Catawba Regional Council of Governments to submit an application for a Brownfields grant for the old Springs Lancaster Plant site. This would be a joint venture between the Catawba Regional Council of Governments, SC DHEC, Lancaster County, and the City of Lancaster. No action was needed on Council's part this evening, but if the application was to be successful, he would need to seek Council's approval and involve the County Attorney, as this would involve the temporary transfer of the entire site to Lancaster County for the purpose of financially administering the grant. Council did not voice any objections to working with the COG on this project.

TIRES

Steve Willis advised that Jena White from DHEC will be attending the next Council meeting to go over tire regulations and answer questions.

COUNCIL COMMITTEE REPORTS

Sign Committee - Cotton Cole advised that a meeting was held and he asked Chris Karres to make the report. Chris reported that the committee has a recommendation to relax the temporary sign regulations for 12 months, and allow four temporary signs per business which would need to be located on the property either owned, leased or rented by the business. The size of the signs would remain the same as they are currently in the ordinance. The business owners would be asked to keep track of how the changes in the sign regulations affected their business for 12 months. The impact would then be looked at at the end of the 12-month period to see if this would work. He asked County Council to send this back to the Planning Commission for their review. (See action item below)

MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending August 31, 2009. She noted that the fund balance dropped about another \$1 million and will continue to do so through the month of September. October should start to see it increase as taxes start coming in. The unreserved fund balance was now \$10.8 million. Council accepted the report as information.

COUNTY ATTORNEY REPORT

There was no attorney report.

CHANGE MEETING DATE

MOTION was made by Cotton Cole to move the October 5 meeting to October 12 at 6:00 p.m. SECONDED by Larry Honeycutt. PASSED 6-0.

SIGN ORDINANCE

MOTION was made by Cotton Cole to send the recommended changes to the sign ordinance to the Planning Commission for their review. SECONDED by Jack Estridge. PASSED 6-0.

COMPORIUM ALARM CHARGES

MOTION was made by Larry Honeycutt that the Finance Director be authorized to utilize Account 10-7-011-801-11 for a one-time bill from Comporium in the amount of \$4,112.52 related to building security. SECONDED by Larry McCullough. PASSED 6-0.

GLEN LAUREL SUBDIVISION ROADS

On April 6, Steve Willis advised Council that the county did not have a certificate from the developer that they have legal authority to transfer the roads to the county. Therefore, Council could not take action as they were unsure of who owned the roads in the Glen Laurel Subdivision. Action was tabled during that meeting. Chairman Carter asked for a motion to remove it from the table. A motion was not made; therefore, discussion did not ensue.

FIRETHORNE ROADS

Steve Willis advised that a request from the Firethorne Homeowners Association to have three roads on the SC side of this development accepted into the county road system. The majority of this subdivision is in Union County, NC, and those roads in Union County are public roads. He noted that the Firethorne Homeowners Assoc. had a letter from the Public Works Director, dated 2002, indicating the roads met county standards. Therefore, the developers and residents thought that letter automatically triggered road acceptance and the developer never proceeded to seek Council approval. These roads predated the revised Road Ordinance, so the old regulations applied.

MOTION was made by Larry McCullough that the county accept into the county road system the roads in the South Carolina portion of the Firethorne Subdivision (Carnoustie Court, St. Andrews Court, and portions of Shinnecock Lane and Seminole Drive) subject to the following conditions: (1) provide the County Administrator with a copy of a recorded certified plat of the roads which must specifically show the distance, width and location of the roads; (2) approval of the form and content of the deed conveying the roads to the County by the County Attorney prior to recording (the deed must reflect that the county does not accept ownership or responsibility, as the case may be, for sidewalks, landscaped medians, storm water infrastructure outside the road right-of-way, detention ponds, street trees, decorative stamped asphalt or concrete, pavers, street lights, and similar items); (3) receipt from the current owner of the roads of an opinion from the owner's legal counsel indicating the owner has marketable fee simple title to the property; and (4) a report from the County Dept. of Public Works that any needed repairs to the roads have been made and a recommendation for acceptance of the roads into the county road system. SECONDED by Larry Honeycutt. PASSED 4-2. For: Larry McCullough, Larry Honeycutt, Rudy Carter, Kathy Sistare. Opposed: Cotton Cole, Jack Estridge

RESOLUTIONS

Assessment Roll Resolutions

MOTION was made by Kathy Sistare to adopt the following Resolutions. SECONDED by Larry McCullough. PASSED 6-0.

#699 approving the updated 2009 Assessment roll for the Edenmoor Improvement District

#700 approving the updated 2009 Assessment roll for the Edgewater Improvement District

#701 approving the updated 2009 Assessment roll for the Sun City Carolina Lakes Improvement District

#702 approving the updated 2009 Assessment roll for the Edgewater II Improvement District

Resolutions #703 and #704

MOTION was made by Cotton Cole to adopt Resolution #703 proclaiming the month of October as Crime Prevention Month, and Resolution #704 proclaiming October 4-10 as Fire Prevention Week. SECONDED by Larry Honeycutt. PASSED 6-0.

APPROVAL OF MINUTES

Larry McCullough noted that in the minutes of the September 14 meeting, page 3, under committee reports, it should have read "Larry McCullough advised that the sign committee has not had an official committee meeting as yet. However, there was a presentation from Rob McCoy at the Indian Land **Chamber of Commerce** last week." The minutes reflected that Mr. McCoy attended the **Indian Land Action Council**.

MOTION was made by Larry Honeycutt to adopt the minutes of the August 31 and September 8, 2009, County Council meetings, and the minutes of the September 14, 2009, County Council meeting as amended. SECONDED by Larry McCullough. PASSED 6-0.

ORDINANCE READINGS

Consent Ordinances

MOTION was made by Larry McCullough to adopt the consent ordinances as listed below. SECONDED by Cotton Cole. PASSED 6-0

- 3rd reading - Ordinance #996 - rezoning 2.5 acres located at the end of Country Meadows Road (tax map 60, parcel 9) from R-30 to R-30D – Jeffery Simpson
- 2nd reading - Ordinance #997 postponing countywide reassessment and equalization for the 2010 tax year pursuant to S.C. Code Section 12-43-217(B).

#998 Boards & Commission Terms of Office

Mike Ey explained that this ordinance would align the terms of the board and commission members appointed by County Council with their terms of office. He will have a complete ordinance for Council to review by second reading.

MOTION was made by Cotton Cole to hold 1st reading, by title only, of Ordinance #998 aligning the terms of office of council appointees to county boards and commissions with the terms of office of the respective council members who appoint them; and other matters relating thereto. SECONDED by Larry McCullough. PASSED 6-0.

MISCELLANEOUS

Chairman Carter asked Steve Willis to notify the newspaper for publication of how much money has been collected on the 1-cent tax to date for the new courthouse, and how much the county is spending over what is being received from insurance on the renovations of the old courthouse. Veronica Thompson advised Council that the state has not yet sent the county any of the money collected from the 1-cent tax. She was advised that it would be sent to the county on a quarterly basis, so expects to receive it sometime in October.

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session concerning a contractual matter, a security matter, and to receive a legal briefing related to a development matter. SECONDED by Larry McCullough. PASSED 6-0.

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

As Council came out of executive session, Chairman Carter advised that Council discussed one contractual matter related to real property, one security matter related to a county facility; and received a legal briefing related to a development matter. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made Cotton Cole to adjourn. SECONDED by Kathy Sistare. PASSED 6-0. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 11-2-2009

Kathy Sistare, Secretary