

MINUTES OF THE REGULAR MEETING
OF THE
LANCASTER COUNTY COUNCIL

November 30, 2009

EXECUTIVE SESSION

Chairman Rudy Carter called the meeting to order on Monday, November 30, at 5:30 p.m.

County Council members present were Chairman Rudy Carter, Vice-Chairman Larry Honeycutt, Secretary Kathy Sistare, Jack Estridge, and D. W. "Cotton" Cole. Also present were Steve Willis, Irene Plyler, Mike Ey, and Attorney Paul Harrell.

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

MOTION was made by Larry Honeycutt to go out of executive session and into regular session. SECONDED by Kathy Sistare. PASSED 6-0.

As Council came out of executive session, Chairman Carter announced that Council received a legal briefing dealing with litigation from Attorneys Mike Ey and Paul Harrell and that a motion would be forthcoming.

MOTION was made by Cotton Cole that the County Attorney move forward in the litigation matter in the manner proposed by the County Attorney. SECONDED by Kathy Sistare. PASSED 6-0.

REGULAR MEETING

Chairman Carter called the regular meeting to order at 6:00 p.m. Kathy Sistare 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, Jeff Hammond, Chad Catledge, Keith Tunnell, 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.

OATH OF OFFICE

Clerk of Court Jeff Hammond administered the Oath of Office to newly elected Council Woman Charlene McGriff, representing District #2.

After a brief recess and reception, the meeting re-adjourned.

AGENDA APPROVAL

MOTION was made by Larry Honeycutt to approve the agenda as amended by postponing agenda item 15(f) (rezoning on Charlotte Highway) to a future meeting after the corridor study is complete, and add one personnel matter to executive session. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0 .

PUBLIC HEARING

MOTION was made by Charlene McGriff to go into public hearing to receive comments from the public regarding ordinance #1005 confirming the assignment to Lancaster Real Estate Group, LLC of the fee-in-lieu of tax agreement, dated December 3, 2007, among the County, Avelo Mortgage, LLC, and Senderra Real Estate Holdings, LLC, and providing for a fee-in-lieu of tax agreement to be entered into between the County and Lancaster Real Estate Group, LLC, with respect to certain economic development property located or to be located in the County, pursuant to which agreement Lancaster Real Estate Group, LLC, will pay to the County negotiated fees-in-lieu of ad valorem taxes and receive special source revenue credits with respect thereto. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

There were no comments.

MOTION was made by Larry Honeycutt to go out of public hearing and back into regular session. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

SPECIAL RECOGNITION

Rudy Carter recognized, congratulated, and presented Proclamations to the Dixie Softball Teams for winning state championship for three consecutive years (Angels in 2007, Ponytails in 2008, and Darlings in 2009) all against Hartsville each year.

CITIZENS COMMENTS

There were no citizens comments

STATUS REPORT – CONSTRUCTION OF NEW COURTHOUSE

Chad Catledge advised that they are continually meeting with departments who will be locating in the new courthouse and trying to keep everyone informed. He has contacted a temporary employment agency to funnel folks stopping in looking for work. On December 3, they will be taking applications at the trailer across from the site. The are on schedule - steel materials will be arriving in January.

PROPERTY ON BROOKLYN AVENUE

Steve Willis advised that as part of the Community Development Block Grant for Brooklyn Avenue, it was anticipated that the county would acquire several tracts of land with dilapidated structures, the intent of which was to demolish the structures and have land for a small neighborhood park which would be funded in round 2 of the grant. The land would be acquired and the structures demolished using previously appropriated grant matching funds. He asked Council whether they had any objections to the county accepting the property and then working with the Recreation Commission to develop the park. There were no objections from Council.

E-911 CONSULTANT CONTRACT

Steve Willis advised that the current E-911 system was over five years old and had reached the end of its useful life and had technical issues that needed to be addressed in the near future. The E-911 committee sought proposals for a consultant to lead a study to give the county a plan for the future. Eleven proposals were received and it was narrowed down to two. The Committee recommended that Lancaster County engage the services of Kimball and Associates at a cost of \$89,894. Funding for the study was already included in the 2010-2011 E-911 budget. This was brought before Council because the approval of a contract in excess of \$20,000 required Council approval. Lanny Bernard was in attendance and noted that Kimball and Associates was a company that has been in existence for many years, that all partners have been managers of E-911 systems, and they had completed many large projects.

MOTION was made by Kathy Sistare to approve the contract with Kimball & Associates to lead an E-911 study for Lancaster County at a cost of \$89,894. Funding to come from the E-911 budget. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

FIRE COMMISSION BUDGET TRANSFER

Steve Willis advised that the Fire Commission voted unanimously to request a transfer of funds from the contracted Employee Assistance Program (EAP) account to a Firefighter Gift Card Program. EAP services would still be provided on an hourly basis rather than a flat fee contract basis, as history indicated that this program was not often utilized by volunteers. The program would provide a gift card from a bank issuer in the amount of \$30 to each qualified volunteer firefighter to recognize them for their service. The cost of this program would be \$7,380 based on 246 qualified firefighters on the date the Commission voted. Since this was an unusual transfer request and would create a new program, the County Administrator wanted to bring this request to Council to see if they had any objections. No objections were heard from Council.

COUNCIL COMMITTEE REPORTS

There were no committee reports.

Since there was no committee in existence to meet with the Recreation Commission, Chairman Carter appointed a committee to act as liaisons with the Commission. Larry Honeycutt was named Chair of the committee along with Kathy Sistare and Cotton Cole.

MONTHLY FINANCE REPORT

Veronica Thompson presented the finance report for month ending October 2009. She reported on the general fund only, as all other funds will be gone over in January. There was a \$211,000 decrease in the fund balance. The fund balance was now at \$13 million, with an estimated \$9.4 being unreserved. Council accepted the report as information. She noted that the audit report for year ending June 2009 should be presented to Council either during the December 7 meeting or early in January.

COUNTY ATTORNEY REPORT

There was no attorney report.

RESOLUTIONS

#706 - Opposing House Bill 3272

MOTION was made by Larry McCullough to adopt Resolution #706 opposing the passage of House Bill 3272. SECONDED by Charlene McGriff. PASSED UNANIMOUSLY 7-0

#707 – Greyne Custom Wood Incentive Agreement

MOTION was made by Larry Honeycutt to adopt Resolution #707 authorizing an incentive and inducement agreement among Greyne Custom Wood Co., LLC; Little Buildings, LLC; and Lancaster County, South Carolina. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

CORONER'S SOFTWARE

Steve Willis advised that the Coroner's Office will no longer be able to lease the medical examination software package. They will be required to purchase the software package and install it on our server. The alternative would have been that the Coroner's Office go back to paper reports and Polaroid pictures, which was not an option as the data needed to be in electronic format for both operational and archival reasons, and the ability to link digital photographs was crucial. Mike Morris, the Coroner recommended the purchase of the M.E. Fieldware software package which they had using for several years and were pleased with the usefulness and stability of the system. This was not known at budget time so the cost of this software was not budgeted. Steve Willis recommended that Council appropriate funds from the fund balance for this purpose and direct the Finance Director to include this item in the next budget amendment.

MOTION was made by Cotton Cole that the Coroner's Office be authorized to acquire the M.E. Fieldware software package for a cost not to exceed \$15,000 and necessary server space at a cost not to exceed \$5,000 per year. Further, the Finance Director is authorized to utilize such amounts of Undesignated Fund Balance, in conjunction with other budget amendments, as she may deem necessary to effect this acquisition. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

APPROVAL OF MINUTES

MOTION was made by Cotton Cole to approve the minutes of the October 12, October 26, November 2, and November 9, 2009, County Council meetings. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

BOARD APPOINTMENTS

Catawba Regional Workforce Investment Board

MOTION was made by Larry Honeycutt to reappoint Jerry Witherspoon to a 3-year term and Monica L. Craig to a 3-year term on the Catawba Regional Workforce Investment Board. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

Catawba Community Mental Health Center Board

MOTION was made by Larry Honeycutt to appoint Ms. Wendy C. Sattler to a 4-year term on the Catawba Community Mental Health Board of Directors. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0

RETAINMENT OF VEHICLES

Steve Willis requested that the County be allowed to retain certain vehicles for use by various departments.

MOTION was made by Kathy Sistare that Sheriff's vehicles 094, 112, 136, 142, and 144 be retained as unassigned spares within the Sheriff's fleet; that Sheriff's vehicle 119 be retained in the Sheriff's fleet for use in off-road, rough terrain situations; that Sheriff's vehicle 118 be transferred to the Tax Office for use by that department and that the Finance Director be authorized to create a motor vehicle budget for this department; and that Sheriff's vehicles 129, 153, 155, and 164 be declared surplus and be disposed of by public auction once all law enforcement identification has been removed. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

ORDINANCE READINGS

Ordinance #1003 amending UDO, Section 2.1.5 Overlay District

MOTION was made by Larry Honeycutt to hold 3rd reading of Ordinance #1003 amending the text of the UDO, Section 2.1.5, Overlay Districts, subsection (4) Aviation Overlay District, to establish the maximum height of any structure to be constructed within a specific area surrounding any airport or airstrip located within Lancaster County. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

Ordinance #1004 amending UDO Section 5.6 Building Height Limitation – Airport Overlay District

MOTION was made by Larry Honeycutt to hold 3rd reading of Ordinance #1004 to add a new subsection (5) to Section 5.6, Building Height Limitation, contained in the Airport Overlay District, to allow additional height limitations to a specific piece of property. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

Ordinance #1005 Lancaster Real Estate Group fee-in-lieu

MOTION was made by Cotton Cole to hold 2nd reading of 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. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

Ordinance #1006 rezoning 2710 Charlotte Highway

MOTION was made by Larry Honeycutt to hold 2nd reading of 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. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

Ordinance rezoning property on Marvin Road – tabled

Chris Karres advised that Ben Zimmer applied to rezone property at 429 Marvin Road near Henry Harris Road in Indian Land from B-2 Community Business District to B-3 General Commercial District in order to add retail space in front of their office warehouse building. The Planning staff recommended denial as this rezoning did not comply with the future land use plan for the area and the surrounding area was developed with primarily residential uses. In addition, the B-3 zoning district is to be placed primarily towards major traffic corridors and/or in areas of extensive commercial development and character. The area surrounding the sites did not fit that description. The Planning Commission recommended denial by a vote of 4-1.

Ben Zimmer, the applicant was in attendance and stated that he felt this would be a good addition to the area. They plan to convert the front of their business property to retail sometime in the future.

Council explained to Mr. Zimmer that a 521 Corridor Study is being conducted and they would prefer to wait to act on this request until after the study is completed. Mr. Zimmer understood.

MOTION was made by Kathy Sistare to table this rezoning request until the Corridor Study is complete. SECONDED by Cotton Cole. PASSED 6-1. Opposed: Jack Estridge

Ordinance #1007 – International Building Code language

Chris Karres advised that this ordinance would correct an oversight that should have been changed when the county adopted the International Building Code in 2001. This text amendment would delete the term “the Standard Building Code” and replace it with “the International Building Code” in Chapter 8 of the UDO. The Planning Commission recommended approval by a vote of 5-0.

MOTION was made by Kathy Sistare to hold first reading of Ordinance #1007 amending the text of the UDO to delete the term “the Standard Building Code” and change the language to “the International Building Code” in Chapter 8, Administrative Mechanisms, Section 8.6.1, 8.6.2, 8.6.3, 8.6.4, 8.6.6 and 8.6.7. SECONDED by Larry McCullough. PASSED UNANIMOUSLY 7-0

Ordinance #1008 – Ice Plants

Chris Karres advised that currently the UDO only allows Ice Plants in the I-1 Light Industrial and I-2 Heavy Industrial Districts as a conditional use. Ken Faulkenberry informed the planning staff that Lancaster County was the only county that did not allow them in the B-3 District and that the type of Ice Plant he wanted was no larger than the ice makers used in restaurants and grocery stores. This ordinance was a text amendment to the UDO to add Ice Plants to the B-3 General Commercial District contained in the Table of Permissible Uses, Section 312113. The planning staff agreed and the Planning Commission recommended approval by a vote of 5-0.

MOTION was made by Cotton Cole to hold first reading of 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. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

Ordinance – Sign permit fee

Chris Karres advised that this ordinance merely amends the language in the UDO to correct the permit fee for political signs from \$25.00 to \$35.00 in Section 10.5. The error was brought to the Planning Departments attention by the Lancaster County Building and Zoning Department. The fee amount should be \$35.00, which is the fee that has been charged. The same section states that “the fee is refundable after the primary or general election, provided the candidate has removed all of his or her signs.” Discussion was held concerning the reason for refunding the fee. The majority of Council felt it was unnecessary to refund the fee.

MOTION was made by Charlene McGriff to amend the text to remove the portion of the text regarding refunding the fees for political signs and to add that the failure to properly collect signs within 15 days after an election will result in a penalty of \$50.00. SECONDED by Larry McCullough. PASSED 6-1. Opposed: Jack Estridge

Because of the changes made by County Council, this ordinance will be returned to the Planning Commission for review.

Ordinance #1009 – Prisoner Housing Fees

Steve Willis advised that the issue of providing medical care for inmates charged with General Sessions offenses has arisen. The opinion from the Attorney General and the SC Association of Counties is in conflict with the County Code Section 2-233. This ordinance amends the section to come into compliance with applicable legal opinion and case law. It limits the county’s financial responsibility and specifies the types of procedures the county will pay for. It also adds a section outlining the county’s inmate labor program.

MOTION was made by Cotton Cole to hold first reading of Ordinance #1009 amending Division 5, Prisoner Housing Fees, Section 2-233, Responsibility for Prisoner Care, of the Lancaster County Code. SECONDED by Larry Honeycutt. PASSED UNANIMOUSLY 7-0

Ordinance #1010 – Greyne Custom Wood fee agreement

Mike Ey explained that first reading of this ordinance is by title only, but that the body of the ordinance and the proposed fee agreement will be presented at 2nd reading.

MOTION was made by Cotton Cole to hold first reading, by title only, 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

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

Mike Ey explained that first reading of this ordinance is by title only, but that the body of the ordinance and the agreement will be presented at 2nd reading.

MOTION was made by Larry McCullough to hold first reading of Ordinance #1011 (by title only) 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. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0

EXECUTIVE SESSION

MOTION was made by Cotton Cole to go into executive session concerning an economic development and a personnel matter. SECONDED by Kathy Sistare. PASSED UNANIMOUSLY 7-0

MOTION was made by Larry Honeycutt 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 announced that Council received information on an economic development matter and a personnel matter. No action was taken as a result of executive session.

ADJOURNMENT

MOTION was made Larry Honeycutt to adjourn. SECONDED by Cotton Cole. PASSED UNANIMOUSLY 7-0 The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

Approved by Council 01-04-2009

Kathy Sistare, Secretary