

MINUTES OF THE MEETING
OF THE
LANCASTER COUNTY COUNCIL

December 5, 2005

REGULAR MEETING

Chairman DeVenny called the regular meeting to order at 6:00 p.m. Fred Thomas offered the invocation.

Present were Alston DeVenny, Wayne Kersey, Wesley Grier, Rudy Carter, Fred Thomas, Jack Estridge, Bryan Vaughn, J. Chappell Hurst, Jr., Randy Sims, Irene Plyler, Chris Karres, Mike Ey, Chris Lacy, Elaine Boone, Josh Reinhardt, Keith Tunnell, Attorney Ed Kluiters, Tim Winslow, Thomas Scott, Kenneth Cauthen, spectators, and members of the media from the Lancaster News, the Kershaw News Era and the Fort Mill Times.

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

A request was received from of Attorney Mike Ey to postpone Resolution #511 approving the assessment roll relating to Sun City to the January 9, 2006 meeting.

MOTION was made by Wayne Kersey to approve the agenda as amended. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0.

PUBLIC HEARINGS

MOTION was made by Rudy Carter to go into public hearing to receive comments from the public concerning the adoption of Ordinance #702 authorizing the execution and delivery of a fee-in-lieu of tax agreement between Lancaster County and Decision One Mortgage Company, LLC and Edgewater Partners Once, LLC. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0.

There were no comments.

MOTION was made by Rudy Carter to go out of public hearing and back into regular session. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0.

CITIZENS COMMENTS

Dr. Kasha Patel, 902 W. Meeting St, has requested a rezoning of 2403 Charlotte Highway in order to build a Medical Arts Facility to be used as a cancer treatment and education center. They see over 150 patients per week in Lancaster and about 50-60 cancer patients per week. They are trying to locate a permanent office in Lancaster and have found this piece of property on 521. They also have an office n Rock Hill. Asked for favorable consideration of the rezoning request.

Dr. Shah is in practice with Dr. Kimbrell. He noted that they are in favor of the project that Dr. Patel spoke about as it is needed here in Lancaster.

Tim Hallman, 2370 Shiloh Unity Road, 286-5275, spoke about the Highway 521 corridor. He is president of the Lancaster Chamber of Commerce and spoke about the plan they submitted about 3 months ago. They wanted to be sure that the recommendations they made for roads and greenways in the panhandle are considered.

PROPERTY TAX LAW CHANGES

Attorney Tim Winslow from the South Carolina Association of Counties explained the House Plan and Senate Plan for property tax restructuring, neither of which have been finished. A copy of the information presented is attached. He noted that, sometime in January, all Councils and Administrators throughout the state will be invited by SCAC to meet with the legislators. The county will be notified of these scheduled lobby days.

BUILDING & ZONING REPORT

Kenneth Cauthen presented Council with a detailed report on the zoning violations and enforcement actions in the panhandle area of the county in the last three years. He spoke about the challenges their office faces. He explained that a new building inspector came on board this morning and another will be hired. They have established new procedures for deposits. A complete report was in Council's agenda packet.

HIGHWAY 160

Chris Lacy, Assistant Program Manager, with the South Carolina Department of Transportation, explained that he is currently working with the Catawba Regional Council of Governments on the South Carolina 160 widening and improvement project. He noted that a public information meeting will be held on Thursday, December 15, between 4:30 and 6:30 p.m. at the Pleasant Hill United Methodist Church at 238 Fort Mill Highway to provide information concerning the proposed improvements to Highway 160 beginning at the Sugar Creek bridge and ending at Hwy 521 and to solicit input from area residents. Personnel from the SCDOT, the Federal Highway Administration, and the Catawba Regional Council of Governments will be available to discuss the project with interested citizens on an individual basis. He presented Council with a revised preliminary cost estimate of \$17,065,173.58 to widen 160 from 521 to near the bridge at Sugar Creek. To split the project in two phases would cost \$18,801,687.70 for a difference to \$1,736,514.12. He explained that improvements to the side roads and right of way acquisitions (\$3.5 million) are making the project so expensive. He recommended that the project be split because of the constraints involved in getting the traffic flow established for the HSBC Project and the time needed to procure additional right of ways, and that construction on phase 1 be started as soon as possible. He noted that the proposed estimate was completed in November of 2005 using fiscal year 2005 data and that this estimate should be inflated 5% per year if the anticipated construction date is after 2007.

COMMITTEE REPORTS

There were no committee reports.

COUNTY ATTORNEY REPORT

The County Attorney had no report.

SUBDIVISION MORATORIUM

Chris Karres asked Council to extend the subdivision moratorium enacted in April and then extended to December 31. At he previous meeting, he explained that, because the Joint Planning Commission had not met, the changes needed to the land development regulations, the planned development district regulations and to other sections in the UDO will not be adopted by the December date. He requested another extension to the beginning of April.

MOTION was made by Bryan Vaughn to extend the subdivision moratorium to April 30, 2006. SECONDED by Rudy Carter. PASSED 6-1. Opposed: Jack Estridge

RESOLUTIONS

Keith Tunnell advised that all multi-county park agreements must now be with contiguous counties. Therefore, all parcels with Marlboro County must be removed from that multi-county park agreement. Lancaster County's multi-county park agreement with now be with Chester County.

MOTION was made by Wesley Grier to adopt Resolution #510 providing for the removal of certain parcels for the Lancaster-Marlboro Joint County Industrial and Business Park. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0.

Resolution #511 was removed from the agenda per the request of Attorney Mike Ey.

ORDINANCE READINGS

Ordinance #701 approving multi-county park agreement with Chester

MOTION was made by Wayne Kersey to adopt 3rd reading of Ordinance #701 to develop a jointly-owned and operated industrial and business park in conjunction with Chester County, such industrial and business park to be geographically located in Chester and Lancaster Counties and established pursuant to Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended; to provide for a written agreement with Chester County to provide for the expenses of the park, the percentage of revenue application, and the distribution of fee-in-lieu of ad valorem taxes to the counties and relevant taxing entities and to permit a user fee-in-lieu of ad valorem taxation. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0.

Ordinance #702 Fee-in-lieu of tax agreement with Decision One Mortgage Co. (HSBC)

MOTION was made by Bryan Vaughn to adopt 3rd reading of Ordinance #702 authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Lancaster County, South Carolina, and Decision One Mortgage Company, LLC, and Edgewater Partners One, LLC, with respect to certain economic development property whereby such property will be subject to certain payments in lieu of taxes and other matters related thereto. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0.

Ordinance #704 – Equipment lease-purchase agreement

Chappell Hurst advised that three bids were received for financing. Sun Trust was the low bidder at 3.955% for a period of five years. He advised that Veronica Thompson, the Finance Director, recommended accepting this bid.

MOTION was made by Fred Thomas to hold 3rd reading of Ordinance #704 authorizing the execution of an equipment lease-purchase agreement in an amount not exceeding \$400,000 relating to the purchase of two EMS ambulances and an Indian Land crash truck by Lancaster County, authorizing the execution of other necessary documents and papers, and other matters relating thereto. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0.

Ordinance #705 amending UDO, Section 13.12

Chris Karres asked that third reading of this ordinance be continued to a later date because the Council Growth Committee has not yet met.

MOTION was made by Fred Thomas to continue this to a later date after the Growth Committee has met. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0.

Ordinance rezoning 2403 Charlotte Highway

Chris Karres advised that Mr. Paul Dillingham, Attorney for Carolina Blood & Cancer Associates, applied to rezone 6.7 acres of property located at 2403 Charlotte Highway, in order to build a Medical Arts Facility on the property. The property is located just to the southwest of Highway 521 and Shiloh Unity Road. The Planning Commission recommended approval by a vote of 4-0.

MOTION was made by Wesley Grier to hold first reading of Ordinance #711 amending the county zoning map; specifically 6.7 acres of property located at 2403 Charlotte Highway (tax map 49 parcel 94) from R-30 Low Density Residential/Agricultural to B-1 Business Office District. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0.

Ordinance #706 amending UDO, Chapter 21

MOTION was made Bryan Vaughn to hold 2nd reading of Ordinance #706 amending the text of the Unified Development Ordinance to modify Chapter 21, Specifications for Street Design and Construction, by modifying the requirements for sight distance triangles by basing the dimensions of the sight triangles on the type of road and adding a new diagram and deleting the existing sight distance diagrams. SECONDED by Wayne Kersey. PASSED 6-1. Opposed: Jack Estridge

Ordinance #707 amending the UDO, Section 12.4

MOTION was made by Rudy Carter to hold 2nd reading of Ordinance #707 to amend the text of the Unified Development Ordinance by modifying Section 12.4, Minimum Plant Size, by increasing the minimum tree size from 1.5 inch caliper to 2.0 inch caliper and deleting the size of the container for a tree. SECONDED by Wayne Kersey. PASSED 6-1. Opposed: Jack Estridge.

Ordinance #708 amending the UDO, Section 11.14, Shade Trees in Parking Areas

MOTION was made by Bryan Vaughn to hold 2nd reading of Ordinance #708 amending the text of the UDO by modifying Section 11.14, Shade Trees in Parking Areas. SECONDED by Rudy Carter. PASSED 5-3. Opposed: Jack Estridge, Wayne Kersey, Wesley Grier.

Ordinance 709 rezoning 2347 Charlotte Highway

MOTION was made by Wesley Grier to hold 2nd reading of Ordinance #709 amending the county zoning map; specifically property located at 2347 Charlotte Highway (tax map 49, parcel 96) from R-30 Low Density Residential/Agricultural to B-1 Business Office District. SECONDED by Jack Estridge. PASSED UNANIMOUSLY 7-0.

Ordinance #710 rezoning Hancock Road and Highway 75 (Edenmoor)

MOTION was made by Rudy Carter to remove from the table the ordinance rezoning Hancock Road and Highway 75 from R-30 Low Density Residential/Agricultural to PDD-8 Lawson's Bend/Edenmoor. SECONDED by Wayne Kersey. PASSED UNANIMOUSLY 7-0.

Chris Karres advised that the developers for Lawson Bend were not notified to attend the last meeting which is why they were not in attendance to make their presentation. He explained that Thomas Scott from Lawson Bend, LLC, represented by GS Carolina, LLC, applied to rezone 70.20 acres of property located on the northeast corner of the intersection of Highway 521 and South Carolina Highway 75 north of the railroad

tracks and extending east, northeastward to the Lancaster/Union County (NC) line. This property would be added to the already approved St. Katherine PDD-8. The additional land includes 57.40 acres plus 12.80 acres that was omitted from the original approval of the planned development district. The planning staff recommended approval. The revised plan will have an estimated 150 housing units less than originally approved with the St. Katherine's PDD. She also advised that the owner or developer will adhere to the recommendations contained in the traffic study prepared for this development and any other comments SCDOT has regarding this development. Also, the owner or developer will be responsible for bringing Claude Phillips Road, Twelve Mile Creek Road, Hancock Road and Hector Road up to county standards. For the portion of these roads which are not located on the property which is part of this development, the owner or developer will be responsible for bringing these portions of the roads up to county standards or as close to these standards as possible. The Planning Commission recommended approval by a vote of 4-0.

Mr. Scott from Lawson's Bend then made his presentation.

MOTION was made by Wayne Kersey to hold first reading of Ordinance #710 amending the county zoning map; specifically property located on Hancock Road and US Highway 75 (tax map 15, parcels 13, 17, and 17.01, and tax map 20, parcel 5) from R-30 Low Density Residential/Agricultural to PDD-8 Planned Development District-8 Lawson's Bend/Edenmoor. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0.

Ordinance #712 amending Section 16.1.15 of the UDO

Chris Karres advised that the Building and Zoning Department brought to the attention of the planning staff that the text of Section 16.1.5 needed to be amended; specifically, that authorization to make interpretations as to exact location of boundaries of floodways or floodplains be made by a Floodplain Administrator rather than by the Building & Zoning Official and, since the county did not have a Floodplain Board of Appeals, the appeal process should go through the Board of Zoning Appeals. In addition, boundaries should be determined by FEMA's National Flood Insurance Program, Flood Insurance Rate Map or approved revisions accepted by FEMA. The ordinance in effect states that boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms, which was recommended to be removed by both the planning staff and the Planning Commission. The Planning Commission recommended that these changes be made by a vote of 4-0.

MOTION was made by Wayne Kersey to hold first reading of Ordinance #712 amending the text of the Unified Development Ordinance to modify the language contained in Section 16.1.15, Location of Boundaries of Floodplain and Floodway Districts, as recommended. SECONDED by Rudy Carter.

AMENDMENT was made by Wayne Kersey to change the appeal process from the Floodplain Board of Appeals to Board of Zoning Appeals. SECONDED by Wesley Grier. PASSED UNANIMOUSLY 7-0.

MOTION AS AMENDED PASSED UNANIMOUSLY 7-0.

BOARD & COMMISSION APPOINTMENTS

Construction Board of Appeals

MOTION was made by Rudy Carter to appoint Gerald Sullivan to an unexpired term on the Construction Board of Appeals representing District #4. His term to expire June 30, 2008. SECONDED by Fred Thomas. PASSED UNANIMOUSLY 7-0.

Fire Commission

Morris Russell had advised via letter than Kurt Becker resigned from the Fire Commission effective November 25. He represented the Charlotte Road/Van Wyck Fire Department. He recommended that Mr. Jim Williams be appointed to replace him.

MOTION was made by Bryan Vaughn to appoint Jim Williams to an unexpired term on the Lancaster County Fire Commission representing the Charlotte Road/Van Wyck Fire Department. His term to expire June 30, 2007. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0.

MISCELLANEOUS

Jack Estridge asked that Veronica Thompson present a report on the expenditures of the bond monies.

EXECUTIVE SESSION

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.

As Council came out of executive session, Chairman DeVenny announced that Council discussed an economic development matter and no action would be taken.

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

MOTION was made by Wesley Grier to adjourn. SECONDED by Rudy Carter. PASSED UNANIMOUSLY 7-0. The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Irene Plyler
Clerk to Council

APPROVED BY COUNCIL 01-09-2006

Wesley Grier, Secretary