



**YORK COUNTY
COUNTY COUNCIL**

MINUTES • FEBRUARY 1, 2016

FINAL



County Council Meeting

Agricultural Building

6:00 PM

Council Chambers

6 S. Congress Street, York, SC 29745

District 1 Michael Johnson: Present, District 2 Bruce Henderson: Present, District 3 Robert Winkler: Present, District 4 William "Bump" Roddey: Absent, District 5 Christi Cox: Present, Council Chairman District 6 Britt Blackwell: Present, District 7 Chad Williams: Present.

Notice of Meeting

Notice of the meeting was forwarded to members of Council, the news media, to staff, to the York County Library and all branches, to citizens requesting notification and posted to the county's web page.

Oath of Office for newly appointed Board and Commission Members

Jackie Canty, Economic Development Board (Catawba Indian Nation Representative) **ABSENT**
Constance Larson, Catawba Regional Workforce Investment Board

Appearances

Council recognized Rhonda Elliott on her service and retirement with York County.

(6:05pm) Chet Miller addressed Council regarding the Lake Wylie petition form approval.

(6:07pm) Shannon Parrish did not address Council regarding the Earth & Woods rezoning.

Todd Cooper did not address Council regarding the Earth & Woods rezoning.

Frank Strasburger did not address Council regarding the Earth & Woods rezoning.

Dorothy Willard did not address Council regarding the Earth & Woods rezoning.

Peter Markis did not address Council regarding the Earth & Woods rezoning.

Public Forum Session (limited to thirty (30) minutes, two (2) minutes per person)

(6:10pm) Maureen Malaney, 12926 Hamilton Place Drive, Fort Mill, SC addressed Council regarding her opposition to the rezoning for Earth & Woods. Ms. Mullaney stated that her concerns are water quality, traffic and noise problems.

(6:12pm) Joanne Riley, 13006 Hamilton Place Drive, Fort Mill, SC addressed Council regarding her opposition to the rezoning for Earth & Woods. Ms. Riley stated that

(6:14pm) Kari Burroughs, 16620 Jefferson Place, Fort Mill, SC addressed Council regarding her opposition to the rezoning for Earth & Woods.

(6:18pm) Roy Blake, 1340 Holland Road, Rock Hill, addressed Council regarding the proposed Lake Wylie Sports Complex and his concerns regarding the long term maintenance of the property. Mr. Blake would like to know the County's long term plans for the facility.

Public Hearing(s)

1. Public Hearing

The following individuals spoke in favor of the rezoning request:

(6:21pm) Will Jordan, 2207 Old Creek Road, Rock Hill, SC addressed Council regarding his support for the proposed rezoning.

(6:23pm) Keith Rains, 3333 Harmony Road, Rock Hill, SC addressed Council regarding his support for the proposed rezoning.

The following individuals spoke in opposition of the rezoning request:

(6:29pm) Kenneth Bailey, 2087 Serenity Lane, Rock Hill, SC addressed Council regarding his opposition for the proposed rezoning. Mr. Bailey stated that he is concerned with the additional traffic this subdivision could cause in the area.

(6:32pm) Tommy Anderson, Charlotte, North Carolina addressed Council on behalf of his parents, Dan and Frances Anderson regarding his opposition for the proposed rezoning. Mr. Anderson stated that they are concerned with the additional traffic this subdivision could cause.

(6:33pm) Kris Frazier, 6575 Baker Lane, Lake Wylie, SC addressed Council regarding her concerns with the procedure that was taken regarding the proposed rezoning.

(6:36pm) Charles Mitchell, 2295 Serenity Lane, Rock Hill, SC addressed Council regarding his opposition for the proposed rezoning. Mr. Mitchell stated that he is concerned with the additional traffic this subdivision could cause in the area.

(6:38pm) There being no one else interested in speaking for or against the proposed rezoning a motion to close the public hearing was made by Council member Michael Johnson and seconded by Council member Christi Cox. Motion Carried.

ALLOWED [Unanimous]

MOVANT: Michael Johnson

SECOND: Christi Cox

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

Rezoning Action: Consider First Reading and Public Hearing:

Case # 15-33
Tax Map # 6200000005
Zoning Request: Request to rezone property from RUD to RD-II
Acres: 84.39 +/-
Council District: Five (5) Cox
Applicant: Will Jordan
Owner: Clarence H. & S. Albright Family Limited Partnership
Location: Hwy 901 and Long Meadow Road in the Rock Hill community

Planning and Development Staff: DENIAL
Planning Commission: APPROVAL with Condition (8-0)

Based on the information prepared by staff outlined within this Planning Commission report staff recommends Denial based on the following considerations:

- The rezoning request is inconsistent with the Plan's recommended land use designation of Light Industrial/Employment.
- Development of the site as residential would remove a potentially large, optimally located and utility served industrial site from the County's limited inventory.
- Eliminate the potential for an employment producing use.

Planning Commission Recommendation:

At its January 11, 2015 meeting the Planning Commission recommended approval of the rezoning with the following condition:

1. All lots shall not be less than 80 feet in width.

(6:38pm)

REJECTED [Unanimous]

MOVANT: Christi Cox
SECOND: Michael Johnson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

2. Public Hearing

The following individuals spoke in favor of the rezoning request:

(6:42pm) Tom Kutz, 1106 North Community House Roads, Suite 250, Charlotte, NC addressed Council regarding his support for the proposed rezoning. Mr. Kutz is representing the home building Meritage Homes which is requesting the rezoning.

The following individuals spoke in opposition to the rezoning request:

(6:50pm) Phil Cloninger, 946 Hickory Stick Drive, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(6:52pm) Kris Clemente, 505 Cuxhaven Court, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(6:59pm) John Brown, 535 Cuxhaven Court, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(7:03pm) Kris Frazier, 6575 Baker Lane, Lake Wylie, SC addressed Council regarding her concerns with the procedure that was taken for the proposed rezoning.

(7:06pm) Richard Manell, 511 Cuxhaven Court, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(7:15pm) Margaret Blackwell, 6391 Baker Lane, Lake Wylie, SC addressed Council regarding her opposition to the proposed rezoning.

(7:15pm) Gary Stuebing, 529 Cuxhaven Court, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(7:20pm) Frederick Cumbee, 204 McDuffie Lane, Fort Mill, SC addressed Council regarding his opposition to the proposed rezoning.

(7:24pm) Caroline Land, 529 Cuxhaven Court, Fort Mill, SC addressed Council regarding her opposition to the proposed rezoning.

(7:25pm) There being no one else interested in speaking for or against the proposed rezoning a motion to close the public hearing was made by Council member Michael Johnson and seconded by Council member Robert Winkler. Motion Carried.

ALLOWED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

Rezoning Action: Consider First Reading and Public Hearing:

Case #	15-35
Tax Map #	7260000088P
Zoning Request:	Request to rezone property from RD-I and BD-III to

RD-II
Acres: 26.79 +/- of a 47.88 tract of land
Council District: One (1) Johnson
Applicant: Meritage Homes
Owner: Fresh Water Industries, Inc
Location: Regent Parkway in the Fort Mill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (8-0)

Staff Recommendation: Approval based on the information prepared by staff outlined in this Planning Commission Report and the findings below:

1. The proposed rezoning is consistent with the Comprehensive Land Use Plan for the area.
2. The proposed rezoning is consistent with the character of the surrounding area

(7:25pm)

APPROVED [5 to 1]

MOVANT: Michael Johnson
SECOND: Chad Williams
AYES: Johnson, Winkler, Cox, Blackwell, Williams
NAYS: Bruce Henderson
ABSENT: William "Bump" Roddey

3. Public Hearing

The following individuals spoke in favor of the rezoning request:

(7:51pm) Troy Bogan and Amy Massey with Kimley Horne provided information regarding the proposed Pleasant Road Development and the TIA (Traffic Impact Analysis) that was performed. Ms. Massey stated that the key recommendations from the TIA are the installation of a northbound right turn lane on Pleasant Road at the proposed site access, a southbound left turn lane on Pleasant Road and at the Pleasant Road and Highway160 Intersection they recommend a signal timing change. Also recommended a traffic signal be installed in the future at the intersection of Pleasant Road and Coltharp Road.

The following individuals spoke in opposition of the rezoning request:

(8:02pm) Maureen Malaney 12926 Hamilton Place Drive, Fort Mill, SC addressed Council regarding her opposition to the proposed rezoning.

(8:03pm) There being no one else interested in speaking for or against the rezoning request a motion to close the public hearing was made by Council member Robert Winkler and seconded by Council member Michael Johnson. Motion Carried.

ALLOWED [Unanimous]

MOVANT: Robert Winkler
SECOND: Michael Johnson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

Rezoning Action: Consider First Reading and Public Hearing:

Case # 15-38
Tax Map # 6530000015P, 6550000005, 6550000006, 6550000010,
6550000031, & 6550000054
Zoning Request: Request to rezone property from RD-II and LI to BD-III
Acres: 7.48 +/-
Council District: Seven (7) Williams
Applicant: Lidl US, LLC
Owner: Forestar Real Estate Group; Ronald R and Debra E. Myers; Sandra B. McDonald; Barbara C. Funderburk; Patricia Lee Lewis, et al; N. Kathryn Jennings and David W. Jennings
Location: 302 Hampton Trail Drive; 1060 Isom Road; 1051 RPC Road; 1740 & 1760 Pleasant Road, in the Fort Mill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (8-0)

Staff Recommendation: Approval based on the information prepared by staff outlined in this Planning Commission Report and the findings below:

1. While the proposed rezoning is not consistent with the Comprehensive Plan there are similar uses found in the immediate area.
2. The proposed use identified within the rezoning application is compatible with the uses found in the surrounding.

(8:03pm)

APPROVED [Unanimous]

MOVANT: Chad Williams
SECOND: Michael Johnson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

Old Business

1. Rezoning Action: Consider Third Reading:

Case # 15-32
Tax Map # 5460000122
Zoning Request: Request to rezone property from BD-I to BD-III
Acres: 0.77 +/-
Council District: Six (6) Blackwell
Applicant: John D. Rinehart
Owner: Main 7, LLC
Location: 4939 Mount Gallant Road in the Rock Hill community
Planning and Development Staff: DENIAL
Planning Commission: APPROVAL with Condition (7-0)

Staff Recommendation: Denial based on the information prepared by staff outlined in this Planning Commission Report and the findings below:

1. The proposed rezoning is not consistent with the Comprehensive Land Use Plan for the area.
2. The proposed rezoning is not consistent with the character of the surrounding area.

Planning Commission Recommendation:

At its December 14, 2015 meeting the Planning Commission recommended approval of the rezoning and limited uses within the site to the following:

1. The use is limited to pet grooming services, pet supplies and kennels

At its January 19, 2016 meeting the Council approved second reading with the following Condition:

1. The uses shall be limited to pet grooming services, pet supplies, and kennels, and all BD-I uses permitted within the BD-III Zoning District.

(8:10pm)

Motion to approve with the following conditions: The use is limited to pet grooming services, pet supplies and kennels and all BD-I uses permitted within the BD-III Zoning District.

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: Michael Johnson

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

2. Rezoning Action: Consider Third Reading:

Case # 15-34
Tax Map # 6480000005
Zoning Request: Request to rezone property from RUD TO BD-III
Acres: 6.59 +/-
Council District: One (1) Johnson
Applicant: Earth and Woods, LLC
Owner: Wells Fargo Bank
Location: 3354 Hwy 160 in the Fort Mill community
Planning and Development Staff: DENIAL
Planning Commission: APPROVAL with Condition (6-0) (Heinsohn (7) Recusal)

Staff Recommendation: Denial based on the information prepared by staff outlined in this Planning Commission Report and the findings below:

1. The proposed rezoning is not consistent with the Comprehensive Land Use Plan for the area.
2. The proposed rezoning is not consistent with the character of the surrounding area.

Planning Commission Recommendation:

At its December 14, 2015 meeting the Planning Commission recommended approval of the rezoning and limited uses within the site to the following:

1. The use is limited to garden and lawn equipment sales and services

At its January 19, 2016 meeting the Council approved second reading with the following Condition:

1. Uses will be limited to permitted RUD uses allowed in BD-III and (§155.146) R5, S5, and S10 uses.

(8:10pm)

DEFERRED [Unanimous]

MOVANT: Michael Johnson

SECOND: Christi Cox

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

3. Consider Second Reading of AN ORDINANCE TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE OF ORDINANCES, SECTION 33.018, PAY POLICY, TO ADD NEW SUBSECTION 33.018(D) TO PROVIDE FOR AN ELECTED OFFICIAL DISCRETIONARY PAY POLICY; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

(8:12pm)

DEFERRED [Unanimous]

MOVANT: Christi Cox

SECOND: Michael Johnson

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

New Business

1. Consider approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on January 19, 2016, along with nominations from the floor: Anita Shaw, Accommodations Tax Advisory Board (Hospitality Industry-3), Caitlin Totherow, Rock Hill/York County Convention & Visitor's Bureau (At Large-5), Matthew Heard, Keep York County Beautiful (District 7), Faith Funderburke, Keep York County Beautiful (At Large-6), and Richard Chacon, York County Culture & Heritage Commission (Ex Officio-7).

(8:16pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Robert Winkler
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

2. Council to consider award of Bid # 2327 regarding the purchase of a rubber tire loader for use by Solid Waste Disposal, to the lowest responsive and responsible bidder, May Heavy Equipment of Columbia, SC for a total cost of \$199,430.55.

(8:17pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Chad Williams
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

3. Council to consider award of Bid #2328 regarding the purchase of a new stationary breathing air system for use by the Bethel Volunteer Fire Department, to the lowest responsive and responsible bidder, Universal Air and Gas of Charlotte, NC for a total cost of \$38,447.24.

(8:17pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Bruce Henderson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

4. Council to consider award of Bid #2329 regarding the removal of waste tires for disposal and recycling for the Public Works Department, to the lowest responsive and responsible bidder, US Tire Recycling of Concord, NC for a total cost not to exceed \$88.50 per ton to include an additional \$0.05 per pound for heavy equipment tires.

(8:18pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Chad Williams
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

5. Council to consider award of Bid #2330 regarding services for wood, yard waste debris processing and hauling for the York County Solid Waste Disposal Department, to the lowest responsive and responsible bidder, Callahan Grading of Fort Mill, SC for a total cost of \$33.11 per ton.

(8:18pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Chad Williams
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

6. Council to consider award of Bid #2331 regarding concrete, asphalt, and masonry waste crushing services for the Solid Waste Disposal Department, to the lowest responsive and responsible bidder, Ashmore Bros., A Division of Rogers Grading Inc. Of Greer, SC for a total cost of \$8.75 per ton.

(8:19pm)

APPROVED [Unanimous]

MOVANT: Chad Williams
SECOND: Bruce Henderson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

7. Council to Consider Authorization of a Venue Agreement for the Carolina Bass Challenge at Ebenezer Park.

(8:19pm)

APPROVED [Unanimous]

MOVANT: Bruce Henderson

SECOND: Chad Williams

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

8. Council to Consider an Emergency Temporary Dwelling Permit Request – 1397 Woodmere Lane

(8:20pm)

APPROVED [Unanimous]

MOVANT: Bruce Henderson

SECOND: Chad Williams

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

9. Council to Approve an Amended Resolution (1915) Designating York County Council on Aging as the Direct Sub-Recipient for the Federal Transit Administration Section 5311 Non-Urbanized Area Public Transportation Funds

(8:20pm)

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: Robert Winkler

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

10. Council to Consider and Approve Assignment of "Agreement Regarding Road Improvements for McCullough Development and Release and Indemnification of York County"

(8:21pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Michael Johnson

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

11. Consider first reading of an Ordinance AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN YORK COUNTY, SOUTH CAROLINA AND HARRELL INDUSTRIES, INC.; TO PROVIDE FOR A FEE IN LIEU OF TAXES; TO PROVIDE FOR A PUBLIC HEARING; AND, TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

(8:21pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Michael Johnson

AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams

ABSENT: William "Bump" Roddey

12. Request authorization to apply and to accept if a awarded, a South Carolina Coordinating Council Economic Development Setaside Grant C-16-2595 for Project TCS in the amount of \$150,000. No local match is required.

(8:22pm)

APPROVED [Unanimous]

MOVANT: Chad Williams
SECOND: Robert Winkler
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

13. Council to consider first reading of an Ordinance authorizing the execution and delivery of a Fee In Lieu of tax agreement by and among York County and Project Raven ("Sponsor") and Beacon Waterford LLC. and/or its Affiliates ("Sponsor Affiliate"), whereby York County will enter into a Fee In Lieu of tax arrangement with the sponsor and sponsor affiliate and providing for payment by the sponsor and sponsor affiliate of certain Fees in Lieu of Ad Valorem taxes; providing for the allocation of Fees in Lieu of taxes payable under the agreement for the establishment of a Multi-County industrial/business park; and other matters relating thereto.

(8:22pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler
SECOND: Michael Johnson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

14. Council to consider authorizing the Lake Wylie Sports Commission to rename its intended sports complex to exclude the use of "York County" in the complex name.

(8:23pm)

APPROVED [Unanimous]

MOVANT: Bruce Henderson
SECOND: Michael Johnson
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

15. Consider approval of the form of petition, as set out on SEC FRM 1000-200910 petition form, required in the creation of a special tax district under S.C. Code Section 4-9-30(5)(a).

(8:28pm)

APPROVED [4 to 2]

MOVANT: Chad Williams
SECOND: Bruce Henderson
AYES: Michael Johnson, Bruce Henderson, Robert Winkler, Chad Williams
NAYS: Christi Cox, Britt Blackwell
ABSENT: William "Bump" Roddey

Consent Agenda

(8:39pm) Motion made with the correction of a scrivener's error in the spelling of Watling Street.

APPROVED [Unanimous]

MOVANT: Michael Johnson
SECOND: Robert Winkler
AYES: Johnson, Henderson, Winkler, Cox, Blackwell, Williams
ABSENT: William "Bump" Roddey

1. Approval of January 15, 2016 Pennies for Progress Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson
SECOND: Robert Winkler

2. Approval of January 19, 2016 Finance & Operations Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson
SECOND: Robert Winkler

3. Approval of January 19, 2016 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson
SECOND: Robert Winkler

4. Approval of January 19, 2016 Transportation Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

Committee and Other Reports

(8:39pm) Finance & Operations Committee Meeting, February 1, 2016, 5:00pm, Chairman, Michael Johnson

Council Member New/Non-agenda Comments

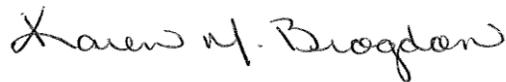
(8:42pm) Council member Michael Johnson asked on behalf of Council member William "Bump" Roddey for the citizens of York County to recognize Friday, February 4, 2016 as Carolina Panther Day.

Executive Session: Receipt of Legal Advice: Update of potential litigation; Personnel Matter - Executive Administrative Assistant, Crime Analyst, Chief Detention Center Administrator, Assistant Chief Detention Center Administrator, Security Captain-Detention Center

Matters for consideration following Executive Session

Adjourn

There being no further business, the meeting adjourned at 10:35pm.



Karen M. Brogdon, Clerk to Council