



**YORK COUNTY
COUNTY COUNCIL**

ACTIONS • SEPTEMBER 6, 2016



County Council Meeting

**Agricultural Building
Council Chambers
6 S. Congress Street, York, SC 29745**

6:00 PM

Call to Order

Chairman, Britt Blackwell, District 6

Invocation and Pledge of Allegiance

Vice Chairman, Michael Johnson, District 1

Oath of Office for newly appointed Board and Commission Members

Jimmy Sprouse, York County Economic Development Board
Mark Hamrick, Keep York County Beautiful (District 6)
Marilyn Hakim, Keep York County Beautiful (At Large)
Teresa Bass, Employee Grievance Committee

Appearances

CJ Ramsey addressed Council regarding the water contamination in the Travis Acres neighborhood.

Russ Davey addressed Council regarding rezoning his property on 4581 Hwy 49, Lake Wylie, SC.

Pete Goodson addressed Council regarding his opposition to the rezoning at 4581 Hwy 49, Lake Wylie, SC.

Eric Rekitt, Public Works Director provided an update on the Fort Mill Recycling Center.

Moseley Architects presented the Family Court Facility Design update.

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

Frank Tucker, 41 Honeysuckle Woods, Lake Wylie, South Carolina addressed Council regarding his opposition to the proposed rezoning at 4581 Highway 49, Lake Wylie, SC.

Scott Clinton, 43 Honeysuckle Woods, Lake Wylie, South Carolina addressed Council regarding his opposition to the proposed rezoning at 4581 Highway 49, Lake Wylie, SC.

JJ Mattingly, 1384 East Alexander Love Highway, York, South Carolina addressed Council regarding an update on the Veteran's Memorial. Mr. Mattingly stated that the Veteran's are potentially going to purchase the property on Liberty Street.

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Leah Youngblood, 58 Honeysuckle Woods, Lake Wylie, South Carolina addressed Council regarding her opposition to the proposed rezoning at 4581 Highway 49, Lake Wylie, SC.

Karen Summers, 102 Hamilton's Ferry, Lake Wylie, South Carolina addressed Council on behalf of the River Hills Community and their opposition to the proposed rezoning at 4581 Highway 49, Lake Wylie, SC.

Public Hearing(s)

1. Rezoning Action: Gave Second Reading and held a Public Hearing:

Case # 16-12
Tax Map # 5350000226
Zoning Request: To rezone from AGC-I to RC-I
Acres: +/- 5.59 acres
Council District: Four (4) William "Bump" Roddey
Applicant and Owner: Henry Massey, Jr.
Location: 1399 Falls Road in the Rock Hill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (7-0)
Planning Commission Date: July 11, 2016

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.

2. Rezoning Action: Gave Second Reading and held a Public Hearing:

Case # 16-14
Tax Map # 7580000042
Zoning Request: To rezone from AGC-I to RUD
Acres: +/- 5.28 acres
Council District: Five (5) Christi Cox
Applicant and Owner: Donald N. Zimmerman III
Location: 555 Rowells Road in the Catawba community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (7-0)
Planning Commission Date: July 11, 2016

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

1. The proposed rezoning is consistent with the recommended land uses of the 2025

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Comprehensive Plan

2. The proposed rezoning is consistent with the character of the community

3. Rezoning Action: Gave Second Reading and held a Public Hearing:

Case # 16-15
Tax Map # 2290000034
Zoning Request: To rezone from RC-I to AGC
Acres: +/- 10.01 acres
Council District: Three (3) Robert Winkler
Applicant and Owner: Marissa A. Wells
Location: North Burris Road in the McConnells community
Planning and Development Staff: DENIAL
Planning Commission: APPROVAL (7-0)
Planning Commission Date: July 11, 2016

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

- The AGC rezoning request is not consistent with the character of the area.
- The rezoning request is not consistent with the Comprehensive Plan’s recommended land use designation. However, it is less intensive than what the Plan recommends.
- The subject parcel could be further subdivided under the RUD zoning and still accomplish the goals the applicant is pursuing.
- RUD zoning would be more appropriate for the area.

4. Rezoning Action: Gave Second Reading and held a Public Hearing:

Case # 16-16
Tax Map # 6170000001, 6170000026, 6170000077, 6170000084 & 6170000085
Zoning Request: A Major Modification to the Lazy Hawk Planned Development
Acres: +/- 179.12 acres
Council District: Five (5) Christi Cox
Applicant and Owner: Tom Cat Too, LLC and Blackwell Family Properties, LLC
Cat Real Estate Holdings, LLC and Lazy Hawk Property Owners Association
Location: Lazy Hawk Road in the Rock Hill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (7-0)
Planning Commission Date: July 11, 2016

Staff Recommendation: Approval

Based on the information prepared by staff outlined within this Planning Commission report,

staff recommends partial approval because of the following considerations and findings:

1. The proposed major amendment is consistent with the Comprehensive Plan.

Staff Supports:

1. The proposed amendment to increase the maximum building height from 35 to 50 feet which will allow the site to be developed at a height consistent with existing zoning and development standards.
2. Modification of the of the landscape buffer language regarding the maintaining of adequate screening, eliminating tree harvesting, and conditions permitting tree removal.

Staff Opposes:

1. Removing the language restricting loading dock orientation towards residential areas because this will create noise impacts that cannot be adequately mitigated by existing natural buffers. ***The applicant requested removal of this proposed amendment. This proposed modification was removed at Planning Commission.**
5. GAVE FIRST READING AND HELD A PUBLIC HEARING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 31, ENTITLED COUNTY POLICIES: SECTION 31.01, RATES, FEES AND CHARGES FOR ZONING APPEALS, APPLICATIONS FOR VARIANCES, REZONING REQUESTS, PERMITS, INSPECTIONS, PLAN REVIEWS AND OTHER APPLICATIONS, PROCEDURES AND SERVICES RENDERED BY THE YORK COUNTY PLANNING AND DEVELOPMENT DEPARTMENT AND THE YORK COUNTY ENGINEERING DEPARTMENT, IN ORDER TO INCREASE CERTAIN BUILDING AND CODES PERMIT FEES TO CORRECT A MATH ERROR; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Old Business

1. Rezoning Action: Deferred Third Reading:

Case #	16-11
Tax Map #	5750000026
Zoning Request:	To rezone from RC-I to BD-III
Acres:	+/- 4.69 acres
Council District:	Two (2) Bruce Henderson
Applicant:	Russell Davey
Owner:	Lake Wylie Partners, LLC
Location:	4581 Charlotte Hwy in the Lake Wylie community
Planning and Development Staff:	APPROVAL
Planning Commission:	APPROVAL (7-0)
Planning Commission Date:	June 13, 2016

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

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

Staff has provided three additional documents to this agenda item:

- Conditions from applicant
- River Hills Community Association opposition letter
- Petition against rezoning

The applicant has proposed the following conditions to be applied to their rezoning request (This is also provided as an attached document.):

Restrictions on uses:

1. No uses that are not allowed in the BD-III zoning district as of August 2016
2. None of the following uses that otherwise would be allowed by right in the BD-III zoning district:
 - a. Automobile and boat service, repair, or customization
 - b. Hospitals, medical clinics, animal hospitals, veterinary clinics, or kennels
 - c. Grocery stores
 - d. RV parks
 - e. Trucking operations
 - f. Funeral homes
 - g. Lodges and civic clubs
 - h. Apartments
 - i. Motels and hotels
3. None of the following uses that otherwise could be allowed by special exception in the BD-III zoning district:
 - a. Adult entertainment
 - b. Bars
4. No vehicular or pedestrian access onto Honeysuckle Woods

At its August 15, 2016 public meeting, Council recommended that a minimum 50 foot buffer shall be provided adjacent all residential uses.

2. GAVE 3RD READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, SECTIONS 92.30 (FIRE CODE), 150.04(A) (BUILDING CODE), 150.04(B) (RESIDENTIAL CODE), 150.06 (ELECTRICAL CODE), 150.08 (GAS CODE), 150.09 (PLUMBING CODE), 150.10 (MECHANICAL CODE), AND ADD 150.12 (INTERNATIONAL EXISTING BUILDING CODE); IN ORDER TO INCORPORATE CERTAIN PROVISIONS OF THE FIRE CODE AND CERTAIN ADMINISTRATIVE PROVISIONS OF CONSTRUCTION RELATED CODES AS MODIFIED AND ADOPTED BY THE SOUTH CAROLINA BUILDING CODES COUNCIL FOR MANDATORY ENFORCEMENT BY ALL JURISDICTIONS WITHIN THE STATE OF SOUTH CAROLINA; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
3. Amended and gave second reading of an ordinance to amend the York County Code of Ordinances, Chapter 35 Procurement, Section 35.007(B)(8) to clarify the role of the York County Purchasing Director and the related process required for authorizing or seeking participation in the contracts negotiated and established by the State of South Carolina (State Contracts); Section 35.010(D)(3) to clarify the County's use of State Contracts while maintaining other requirements in the Code; and to provide for other matters related thereto.
4. DEFERRED SECOND READING OF AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF A FINANCING AGREEMENT NECESSARY TO PROVIDE FUNDING FOR THE CONSTRUCTION OF A NEW STATION FOR THE RIVERVIEW SPECIAL FIRE TAX DISTRICT; TO AUTHORIZE THE EXECUTION AND DELIVERY OF ALL DOCUMENTS AND/OR INSTRUMENTS NECESSARY OR APPROPRIATE TO CONSUMMATE SUCH AGREEMENT; AND, TO PROVIDE FOR OTHER MATTERS RELATED THERETO.
5. GAVE SECOND READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN YORK COUNTY, SOUTH CAROLINA AND RUDOLPH-VENTURE CHEMICAL, INC., TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXES, ESTABLISHING THE APPLICABLE ASSESSMENT RATIO AND MILLAGE RATE AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
6. GAVE SECOND READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXES INCENTIVE TO CRESCENT LAKEMONT EAST, LLC (INCLUDING ITS AFFILIATED AND RELATED ENTITIES) (FORMERLY IDENTIFIED AS PROJECT CRESCENT); THE INCLUSION OF CERTAIN PROPERTY IN YORK COUNTY, SOUTH CAROLINA IN A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK; AND OTHER MATTERS RELATED THERETO.

New Business

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1. GAVE AUTHORIZATION TO APPLY AND TO ACCEPT IF AWARDED A SOUTH CAROLINA COORDINATING COUNCIL GRANT IN THE AMOUNT OF \$200,000 FOR PROJECT USF. NO LOCAL MATCH IS REQUIRED.

2. Rezoning Action: Gave First Reading:

Case # 16-17
Tax Map # 7190000101, 7190000102, 7190000103, 7190000139, 7190000184, 7190000185, & 7190000186
Zoning Request: To rezone from BD-II & RC-I to BD-I
Acres: +/- 24.5 acres
Council District: One (1) Michael Johnson
Applicant and Owner: Ronald W. Edwards
Richard K. Edwards, Sr; Richard J. Edwards; Ronald W. Edwards; Raymond C. Hall; Richard K. Edwards, Jr; Robert E. Edwards
Location: 251 & 291 Gold Hill Road and 327, 331, 359, 373, & 379 Forest Way Drive in the Fort Mill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (6-0)
Planning Commission Date: August 8, 2016

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.
3. ACCEPTED ROADWAY MAINTENANCE OF ROADS IN TIMBERLAKE PHASE 3, LAKEMONT BUSINESS PARK, BRAYLEE BROOK PHASE 2, HAWKS CREEK PHASE 1 AND KIOWA POINTE PHASE 1.
4. Approved STV, Inc.'s Design Agreement for the design of Pennies 3 Project 11149-010, SC 160 East in the amount of \$690,975.03.
5. Approved Property Acquisitions & Negotiations, Inc.'s Agreement for the cost estimating and risk assessment for the 2017 Capital Projects Sales and Use Tax projects.
6. Approved the revised language to the contract with Black and Veatch Corporation for a not-to-exceed amount of \$231,360.00 with 10% Contingency for updating the master plan for the Western Water Distribution System.
7. Authorized a venue agreement at Ebenezer Park for Fort Mill Church of God's Chili Cook Off.
8. Gave authorization to declare thirty seven vehicles as York County surplus.

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9. Rejected all proposals received regarding RFP #2350 for auditing services for use by the Finance Department.
10. Authorized award of Bid #2363 regarding the purchase of DNA Software for use by the Sheriff's Office to the lowest responsive and responsible bidder, NicheVision Forensics LLC of Akron OH, for a total cost of \$58,875.00
11. Authorized staff to prepare specifications and seek bids for replacement vehicles.
12. Authorized the termination the lease between York County and Catawba Community Mental Health Center for the property at 166 Dotson Street.
13. Approved the Contract for Purchase and Sale of 120 East Elliott Street Office and Storage Building in Fort Mill, a lease between York County and The Foundation for Fort Mill Schools, Inc. For The 120 East Elliott Street Storage Building, a lease between York County and Fort Mill School District 4 for a portion of the 120 East Elliott Street Office, and a Modification and Lease Assignment Agreement between York County and Affinity Health Center for a portion of the 120 East Elliott Street Office and to authorize all subsequent action required by the contract to close on the property.
14. Approved a Memorandum of Understanding between York County and Carolina Water Service, Inc., to extend franchise agreement for six months.

Consent Agenda

Approved the Consent Agenda and approved the minutes of the August 15, 2016 Justice and Public Safety Committee meeting, the August 15, 2016 Pennies for Progress Committee meeting, the August 15, 2016 Transportation Committee meeting, the August 15, 2016 County Council meeting and the August 30, 2016 Planning & Economic Development Committee meeting.

Committee and Other Reports

Planning & Economic Development Committee Meeting, Tuesday, August 30, 2016, 11:00am, Chairman, Robert Winkler

Finance & Operations Committee Meeting, Tuesday, September 6, 2016, 5:30pm, Chairman, Michael Johnson

Council Member New/Non-agenda Comments

Chairman Britt Blackwell recommended that the Animal Control Department begin the Pets for Vets Program.

Council member Christi Cox requested that the Capital Improvement Plan included the unincorporated areas of the County.

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Executive Session:

Personnel Matter: 6 Sheriff Deputies assigned to Court Security
Contractual Matter: Land Acquisition regarding Park Place

Matters for consideration following Executive Session

Adjourn