



YORK COUNTY
COUNTY COUNCIL
MINUTES • MARCH 21, 2016



FINAL

County Council Meeting

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

6:00 PM

District 1 Michael Johnson: Present, District 2 Bruce Henderson: Present, District 3 Robert Winkler: Present, District 4 William "Bump" Roddey: Present, 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

(6:02pm) Alexandra Esposito-Biniasz, Catawba Mental Health Board (2)

Appearances

(6:04pm) Council recognized Chuck Haynes and Mike Channell for receiving the South Carolina Emergency Management Association's 2016 Outstanding Contribution to the Profession award for their actions during the October 2015 floods.

(6:18pm) Dale Dove addressed Council regarding Renew Our Community (ROC). Mr. Dove provided an update on the ROC program and expressed the need for additional facilities throughout the County.

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

(6:09pm) Jim Covington addressed Council regarding his opposition to the proposed rezoning on Glyndora Drive & Hampton Ridge Road in the Rock Hill Community. Mr. Covington expressed his concerns regarding the possibility of historic graves being on the property and the increase in traffic in the area.

(6:14pm) Gary Buchanan, 5160 Hampton Ridge Road addressed Council regarding his opposition to the proposed rezoning on Glyndora Drive & Hampton Ridge Road. Mr. Buchanan expressed his concerns with the additional homes on the water and sewer systems.

Public Hearing(s)

1. **Public Hearing**

The following individuals spoke in favor of the rezoning request:

(6:39pm) Bill Hargrove, Owner of Dream Builders and Developers Inc. addressed Council regarding his support for the proposed rezoning. Mr. Hargrove stated that he spoke to several surrounding property owners and they are not against the rezoning.

(6:43pm) Keith Graves, 3333 Harmony Road, addressed Council regarding his support for the proposed rezoning.

The following individuals spoke in opposition of the rezoning request:

(6:43pm) Sheryl Mobley, 549 Russell Way, Rock Hill, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Mobley is concerned with the water runoff in the area and would like to see the plans and know the bufferyards.

(6:49pm) Jim Covington, addressed Council regarding the possibility of historic graves being on the property and requested that someone research further.

(6:50pm) There being no one else interested in speaking for or against the rezoning request a motion was made by Council member Michael Johnson and seconded by Council member Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

Rezoning Action: Consider Second Reading and Public Hearing:

Case #	16-01
Tax Map #	5430000032 & 5430000236
Zoning Request:	To rezone approximately 24.67 acres from UD to RD-II with conditions
Acres:	24.67 +/-
Council District:	Six (6) Britt Blackwell
Applicant:	Dream Builders
Owner:	John H. & Janice B. Rhyne Martin L. & Eva R. Jenkins
Location:	320 Glyndora Drive & Hampton Ridge Road in the Rock Hill community
Planning and Development Staff:	APPROVAL
Planning Commission:	APPROVAL (8-0) with Condition on 2/8/16 (Hargrove (6) Recusal)

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 mostly consistent with the Comprehensive Land Use Plan for the area. The plan recommends commercial for the area closest to Hampton Ridge Road and low density residential for the remaining area.
2. The proposed rezoning is consistent with the character of the surrounding area.
3. This rezoning would remove two parcels from the UD zoning district.

Applicants proposed condition:

1. Limit the use to single family residential.

(6:50pm)

Motion to approve with the condition of limiting use to single family residential.

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Chad Williams

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

2. Public Hearing

The following individuals spoke in favor of the rezoning request:

(6:57pm) Tim Helline, Carolina Farms and Estates addressed Council regarding his support for the proposed rezoning. Mr. Helline stated that there are 38 acres total with approximately 3.45 acres per lot with a maximum 11 lots with 3 large 10 acre lots on the highway frontage.

(7:02pm) Tony Cox, Deputy Superintendent for Rock Hill School District 3 addressed Council regarding his support for the proposed rezoning. Mr. Cox stated that the property was originally purchased to construct a new school on the land. However, this land has become surplus and needs to be sold.

The following individuals spoke in opposition of the rezoning request:

(7:04pm) Wayne Herndon, 2792 McConnells Highway, Rock Hill, South Carolina addressed Council regarding his opposition to the proposed rezoning.

(7:16pm) Jim Phares, 5171 Gatsby Circle, Rock Hill, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Phares would like to see the property become part of the Herndon Heritage Homeowners Association with an easement to bring the walking trail up to Herndon Road.

(7:20pm) Bob Taylor, 5141 Gatsby Circle, Rock Hill, SC addressed Council regarding his concerns to the proposed rezoning. Mr. Taylor is concerned with the types of homes that are proposed. Mr. Taylor would like to see the new homes follow the guidelines of the Herndon Heritage Homeowners Association or become a part of the HOA.

(7:21pm) Carey Netherland, 1727 Herndon Farm Road, Rock Hill, SC addressed Council regarding his opposition to the proposed rezoning. Mr. Netherland stated that he is concerned with the property value of his home if these homes are built.

(7:26pm) Sylvia Berry, 1616 Herndon Farm Road, Rock Hill, SC addressed Council regarding her opposition to the proposed rezoning. Ms. Berry provided petitions against the proposed rezoning. Ms. Berry stated that she would like to see comparable homes built in the area.

(7:29pm) There being no one else interested in speaking for or against the rezoning request a motion was made by Council member William "Bump" Roddey and seconded by Council member Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Robert Winkler

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

Rezoning Action: Consider Second Reading and Public Hearing:

Case #	16-02
Tax Map #	5080000018
Zoning Request:	To rezone from AGC to RUD-I
Acres:	38 +/-
Council District:	Four (4) William "Bump" Roddey
Applicant:	Tim Helline
Owner:	Rock Hill School District #3
Location:	Hwy 322 & Herndon Farm Road in the Rock Hill community
Planning and Development Staff:	APPROVAL
Planning Commission:	APPROVAL (8-0) with Conditions on 2/8/16 (Hargrove (6) Recusal)

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 mostly consistent with the Comprehensive Land Use Plan for the area. The plan recommends rural agriculture for the parcel; however, it

- recommends rural residential for the adjacent parcel.
2. The proposed rezoning is consistent with the character of the surrounding area.
 3. This parcel does have access onto Herndon Farm Rd which would allow for an internal road system.

Planning Commissions in their recommendations made the following conditions:

1. Minimum 2000 square foot heated area – stick built
2. Side load garage unless soils and location of septic tank prohibits
3. Max three lots fronting on Highway 322

(7:29pm)

Motion to Approve with the following conditions:

1. The residential structures shall be stick built;
2. The minimum square footage for one story residential structures shall be 2,000 square feet;
3. The minimum square footage for two story residential structures shall be 2,200 square feet;
4. A minimum of 50 percent of the front of each residential structure shall be hard surface, such as brick, stone, or hardiplank;
5. The garages shall be side loaded unless soils and location of septic tanks prohibit such access;
6. A maximum of three lots shall front Highway 322.

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Michael Johnson

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

3. Public Hearing

The following individuals spoke in favor of the rezoning request:

(7:39pm) Shawn Tuley, Fort Mill, SC on behalf of Callahan Homes addressed Council regarding his support for the proposed rezoning.

The following individuals spoke in opposition of the rezoning request:

(7:42pm) Kris Frazier, 6575 Baker Lane, Lake Wylie, South Carolina addressed Council regarding her opposition for the proposed rezoning.

(7:45pm) There being no one else interested in speaking for or against the rezoning request a motion was made by Council member Michael Johnson and seconded by Council member Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

Consider Second Reading and Public Hearing of a Major Amendment to the Brayden Planned Development

Case # 16-03
Tax Map # 6520000013
Acres: 150 +/-
Council District: One (1) Michael Johnson
Applicant and Owner: Standard Pacific Homes of the Carolinas, LLC
Location: Hwy 160 and in the Fort Mill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL (9-0) on 2/8/16

Staff Recommendation: Approval

Based on the information prepared by staff outlined within this Planning Commission report, staff recommends approval because of the following considerations and findings:

1. The proposed amendment is consistent with the Comprehensive Plan.
2. The proposed amendment is consistent with the character of the community.
3. The proposed amendment will allow developer to modify the tree planting requirements.

Staff supports the reduction in caliper inches only if the applicant can ensure the following notes and restrictions will be provided on the plan and on their plat and deed restrictions:

1. Street tree maintenance will be the responsibility of the property owner. The County will not maintain or replace street trees.
2. The applicant will install root blocking fixtures to reduce potential damage created by root systems.
3. Trees will only be planted within tree planting strips of at least 5 feet in width
4. Street trees will be limited to the species approved by the county.
5. Street trees will be placed outside of sight distance triangles and utility easements.
6. The planting of street trees within the right of way will require issuance of an encroachment permit from the County.

(7:45pm)

Motion to approve with the following conditions:

1. Street tree maintenance will be the responsibility of the property owner. The County will not maintain or replace street trees;
2. The applicant will install root blocking fixtures to reduce potential damage created by root systems;
3. Trees will only be planted within tree planting strips of at least 5 feet in width;
4. Street trees will be limited to the species approved by the County;
5. Street trees will be placed outside of sight distance triangles and utility easements;
6. The planting of street trees within the right of way will require issuance of an encroachment permit from the County.

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Chad Williams

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

4. Public Hearing

The following individuals spoke in favor of the proposed ordinance:

(7:49pm) Steve McCrae, K&L Gates, represents Kingsley #9, LLC addressed Council regarding his support for the proposed FILOT.

(7:50pm) There being no one else interested in speaking for or against the proposed ordinance a motion was made by Council member Michael Johnson and seconded by Council member Robert Winkler to close the public hearing.

ALLOWED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

Hold a Public Hearing and CONSIDER AMENDING AND THIRD READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO AN EXISTING FEE-IN-LIEU OF TAX AGREEMENT BETWEEN YORK COUNTY AND THE LASH GROUP, INC. AND KINGSLEY #9, LLC (THE "FEE AGREEMENT") SO AS TO ADMIT ONE NEW SPONSOR AFFILIATE (PALMETTO FUNDING COMPANY, LLC) (THE "TRANSFEREE"); TO BIFURCATE THE FEE AGREEMENT AS TO THE OBLIGATIONS OF THE EXISTING SPONSOR AFFILIATE, KINGSLEY #9, LLC, AND THE TRANSFEREE AS AN ADDITIONAL SPONSOR AFFILIATE; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

(7:50pm)

APPROVED [6 to 1]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

NAYS: Christi Cox

Old Business

1. MGT Presentation To Council Regarding 2015 Class/Comp Study

(7:52pm) Nancy Stepina-Robinson with MGT provided Council with the process of the Classification and Compensation Study for York County.

2. Council to consider second reading of AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 30, SECTION 30.09(E) IN ORDER TO LIMIT RECOMMENDATIONS FOR APPOINTEES TO THE YORK COUNTY NATURAL GAS BOARD TO THREE CONSECUTIVE TERMS AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

(8:26pm)

APPROVED [5 to 2]

MOVANT: Bruce Henderson

SECOND: Michael Johnson

AYES: Johnson, Henderson, Winkler, Cox, Blackwell

NAYS: William "Bump" Roddey, Chad Williams

New Business

1. Cumming Representative to provide the quarterly construction update.

(8:26pm) Jim Britton with Cumming Construction provided a construction update.

2. Council to consider a Courthouse Change Order to Leitner Construction in the amount of \$76,377.00.

(8:46pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Chad Williams

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

3. Consider approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on March 7, 2016, along with nominations from the floor: Ashley Brittain, Catawba Mental Health Board (District 5), Ed Lindsey, Bethel Fire Tax District Board, David Beaty, Economic Development Board (Manufacturing-5), Thomas Templeton, Board of Assessment Appeals (District 6) and Billy Haire, Bethesda Fire Tax District Board.

(8:47pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

4. Council to consider a request from Sheriff Bruce Bryant to allow Deputy Broadus Strain to retain his service weapon.

(8:47pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

5. Consider approving a venue agreement between York County, South Carolina and the River Bassin Tournament Trail to host a kayak fishing tournament.

(8:48pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Chad Williams

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

6. Council to consider allowing the Summer Feeding Program to apply for the United States Department of Agriculture (USDA) Summer Food Service Program (SFSP) for the 2016 summer season.

(8:48pm)

APPROVED [Unanimous]

MOVANT: William "Bump" Roddey

SECOND: Chad Williams

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

7. Council to consider the approval of and authorize the County Manager to sign AT&T's utility relocation agreement for an additional \$100,793.83 for a total of \$257,346.96 for Pennies 3 Program project Congress Street/Lincoln Road round-a-bout.

(8:48pm)

DEFERRED [Unanimous]

MOVANT: Robert Winkler

SECOND: William "Bump" Roddey

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

8. REQUEST AUTHORIZATION TO APPLY AND TO ACCEPT IF AWARDED, A SOUTH CAROLINA COORDINATING COUNCIL GRANT IN THE AMOUNT OF \$100,000 FOR PROJECT BOND. NO LOCAL MATCH IS REQUIRED.

(9:07pm)

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: Michael Johnson

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

9. REQUEST AUTHORIZATION TO APPLY AND TO ACCEPT IF AWARDED, A SOUTH CAROLINA COORDINATING COUNCIL GRANT IN THE AMOUNT OF \$100,000 TO ASSIST YORK COUNTY WITH REAL PROPERTY IMPROVEMENTS FOR PROJECT GABRIEL. NO LOCAL MATCH IS REQUIRED.

(9:08pm)

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: Michael Johnson

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

10. REQUEST AUTHORIZATION TO APPLY AND TO ACCEPT IF AWARDED, A SOUTH CAROLINA COORDINATING COUNCIL GRANT IN THE AMOUNT OF \$200,000 TO ASSIST YORK COUNTY WITH REAL PROPERTY IMPROVEMENTS FOR PROJECT CROWN. NO LOCAL MATCH IS REQUIRED.

(9:08pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Chad Williams

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

11. CONSIDER ADOPTION OF AN INDUCEMENT RESOLUTION IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, AS AMENDED, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY PROJECT CROWN TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE IN LIEU OF TAX ARRANGEMENT WITH YORK COUNTY, SOUTH CAROLINA; AND COMMITTING TO ENTER INTO SUCH NECESSARY AGREEMENTS WITH PROJECT CROWN TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND OTHER MATTERS RELATED THERETO.

(9:08pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Chad Williams

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

12. The Sheriff requests Council to ratify a grant application and accept, if awarded a South Carolina Department of Safety Grant in the amount of \$88,124.00. The local match is 10% or \$8,812 and will be funded from Sheriff Discretionary funds.

(9:09pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Chad Williams

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

13. The Sheriff requests Council to ratify a grant application and to accept an award of \$62,169 from the South Carolina Department of Safety Grant. The total project costs for the grant is \$77,711 and 20% or \$15,542 is the local match which will be funded by Sheriff Discretionary funds.

(9:09pm)

APPROVED [6 to 1]

MOVANT: Robert Winkler

SECOND: Chad Williams

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

NAYS: Michael Johnson

14. Council to consider award of Bid #2332 regarding the purchase of MSA manufactured self contained breathing apparatuses and spare carbon cylinders for use by the Lesslie Fire Department, to the lowest responsive and responsible bidder, Newton's Fire and Safety Equipment Inc., of Graham, NC, for a total cost of \$58,914.20.

(9:27pm)

APPROVED [Unanimous]

MOVANT: Robert Winkler

SECOND: Christi Cox

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

15. Council to consider award of Bid #2333 regarding the purchase of a 2016 half ton 4x4 crew cab pick up truck for use by the Sheriff's Office, to Love Chevrolet of Columbia, SC for a total cost of \$31,139.00.

(9:27pm)

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: William "Bump" Roddey

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

16. Council to consider award of Bid #2335 regarding the purchase of a new armored rescue vehicle for use by the Sheriff's Office, to the lowest apparent responsive and responsible bidder, Lenco Industries Inc of Pittsfield, MA for a total cost of \$251,605.00, subject to reaching an agreement acceptable to the County Attorney.

(9:28pm)

Motion to approve subject to the agreement acceptable to the County Attorney and note that the Sheriff has agreed to fund the over budgeted amount of \$11,605.00 via discretionary funds.

APPROVED [Unanimous]

MOVANT: Chad Williams

SECOND: Robert Winkler

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

Consent Agenda

(9:29pm)

APPROVED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

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

1. Approval of March 7, 2016 Planning & Economic Development Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

2. Approval of March 7, 2016 Pennies for Progress Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

3. Approval of March 7, 2016 Finance & Operations Committee Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

4. Approval of March 7, 2016 County Council Meeting Minutes

ACCEPTED [Unanimous]

MOVANT: Michael Johnson

SECOND: Robert Winkler

Committee and Other Reports

(9:30pm) Finance & Operations Committee, 5:30pm, March 21, 2016, Chairman, Michael Johnson

Council Member New/Non-agenda Comments

(9:30pm) Council member Michael Johnson requested that if administration wants to deny a position solely based on a grant, that staff put it in writing. Also, Council member Johnson played a video of the Hubert Graham Parkway construction filmed by a drone and suggested that staff possibly use this approach in promoting the County's projects.

Executive Session: Personnel Matter: Assistant County Manager Position, DNA Analyst and DNA Technical Leader, Paralegal Supervisor, Financial Specialist, IT Systems Manager/Engineer and IT Specialist/Coordinator and Contractual Matters: Riverview Fire Department, Dave Lyle Boulevard, I77 Corridor and Pennies for Progress

In addition to Receipt of Legal Advice: Update on a special exception application.

Matters for consideration following Executive Session

1. Motion to allow the County Manager to execute an agreement with Greene, Finney and Horne related to the Pennies Program related to the budget changes.

(11:15pm)

ADOPTED [Unanimous]

MOVANT: Chad Williams

SECOND: Bruce Henderson

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

2. Motion to allow the sub-tenant on the White Street property, ROC, to request a special exception application from the City of Rock Hill and authorize County staff to sign on behalf of the County.

(11:15pm)

ADOPTED [Unanimous]

MOVANT: Chad Williams

SECOND: Michael Johnson

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

Adjourn

There being no further business, the meeting adjourned at 11:16pm.



Karen M. Brogdon, Clerk to Council