



YORK COUNTY
COUNTY COUNCIL
ACTIONS • MARCH 7, 2016



County Council Meeting

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

6:00 PM

Call to Order

Chairman, J. Britt Blackwell

Invocation and Pledge of Allegiance

Council member, Christi Cox, District 5

Oath of Office for newly appointed Board and Commission Members

Darren Brittain, Planning Commission (At Large-5)

Rodney Hicks, Zoning Board of Appeals (District 7)

Appearances

Representative from the Homebuilders Association did not address Council regarding the proposed moratorium in the Fort Mill and the Bethel Townships.

Ken Olson addressed Council regarding his opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

Joe Padilla addressed Council regarding his opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

Mark Nix addressed Council regarding his opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

Ralph Norman addressed Council regarding his opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

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

David Tibbles, Regent Parkway, Fort Mill, South Carolina addressed Council regarding his opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

Marty Mathis, 110 North Congress Street, York, South Carolina addressed Council regarding her opposition to the proposed moratorium in the Fort Mill and Bethel Townships.

Tom Kutz with Meritage Homes addressed Council regarding the proposed rezoning in Fort Mill. Mr. Kutz explained that revisions were made to the proposed plans.

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Gary Griffith, 529 Cuxhaven Court, Fort Mill, South Carolina addressed Council regarding his opposition to the proposed rezoning in Fort Mill by Meritage Homes.

Bobby Walker, 5710 Williamson Road, Rock Hill, South Carolina addressed Council regarding the multi-purpose agri-tourism task force.

Mary Williams, addressed Council regarding her support for the proposed moratorium in the Fort Mill and Bethel Townships.

Wayne Herndon addressed Council regarding the proposed rezoning on Highway 322.

Public Hearing(s)

1. Rezoning Action: Gave Third Reading and Held a Public Hearing:

Case #	15-36
Tax Map #	7160000002, 7160000051, 7160000057, 7160000069, 7160000076, 7160000078, 7160000079, 7160000080, 7160000081, 7160000082, 7160000083, 7160000084, & 7170000008
Zoning Request:	Request to rezone property from UD, BD-III, (Gold Hill Commons) PD, RUD & AGC TO PD
Acres:	360.51 +/-
Council District:	One (1) Johnson
Applicant:	Fort Mill Land Development, LLC
Owner:	Cato Land Development, LLC/The Cato Corporation
Location:	2280 Deerfield Drive in the Fort Mill community
Planning and Development Staff:	APPROVAL
Planning Commission:	APPROVAL (6-1) (Barnett 5)

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

Project Positives

- Compatible uses with the surrounding vicinity
- Interconnecting street and pedestrian network
- Public trail facilities
- Higher density housing that will support a live/work environment
- A residential unit cap to ensure that a mix of uses will occur throughout the project
- Potential for the creation of an activity center for job producing office/professional uses
- Consistency with the Comprehensive Plan
- The proposed uses within the development will support the development of future transit routes and facilities

Potential Issues

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- The project will add a significant number of trips to the Gold Hill/I-77 interchange and surrounding roads

Please Note: A copy of the 24” x 36” PD Plan is provided in the Council’s Yellow Folder

2. HELD A PUBLIC HEARING AND AMENDED AND GAVE THIRD READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AND AN INFRASTRUCTURE FINANCE AGREEMENT BY AND BETWEEN YORK COUNTY, SOUTH CAROLINA AND ATLAS COPCO COMPRESSORS, LLC, MINING ROCK EXCAVATION AND CONSTRUCTION, LLC AND GOLDENROD INC. (FORMERLY IDENTIFIED AS “PROJECT EAGLE”) WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, AND SUCH COMPANIES AND/OR CORPORATIONS WILL RECEIVE CERTAIN INFRASTRUCTURE CREDITS IN RESPECT OF INVESTMENT IN RELATED INFRASTRUCTURE; AND OTHER MATTERS RELATED THERETO.
3. HELD A PUBLIC HEARING AND AMENDED AND GAVE THIRD READING OF AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG YORK COUNTY AND OERLIKON BALZERS COATING USA, INC. (“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.
4. HELD A PUBLIC HEARING AND GAVE THIRD 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.

Old Business

1. Rezoning Action: Gave Third Reading:

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

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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
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2. GAVE SECOND 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 (THE "TRANSFEREE"); TO BIFURCATE THE FEE AGREEMENT AS TO THE OBLIGATIONS OF THE EXISTING AFFILIATE SPONSOR, KINGSLEY #9, LLC, AND THE TRANSFEREE AS AN ADDITIONAL SPONSOR AFFILIATE; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

New Business

1. Alysen Woodruff, Clean Community Coordinator presented an update on the litter control efforts in York County.
2. Eric Rekitt, Public Works Director provided an update on glass recycling changes in York County.
3. Authorized committing to the Carolina Thread Trail program for use of a designated portion of the County Catawba River Property for purposes of the a trail easement in favor of the Nation Ford Land Trust with public access for a minimum of 25 years for the construction and use of approximately 3,600 feet of natural surface trail, subject to such terms and conditions as will be contained in a contract to be presented to Council at an upcoming meeting.
4. Gave first 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.

5. Authorized THE APPROVAL OF STV'S ENGINEERING CONTRACT AMENDMENT NO. 2 IN THE NOT-TO-EXCEED AMOUNT OF \$59,518.03 FOR PENNIES 3 PROGRAM PROJECT US 21 N/SC 51 (SPRINGFIELD PARKWAY TO NORTH CAROLINA STATE LINE).
6. Authorized a contract amendment with Cumming Construction in the amount of \$803,250.00 for program management for the new County Administration Building.
7. Approved a contract with Stevens & Wilkinson Architects for design services for the new County Administration Building in the amount of \$967,271.00.

8. Rezoning Action: Gave First Reading:

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.

9. Rezoning Action: Gave First Reading:

Case #	16-02
Tax Map #	5080000018
Zoning Request:	To rezone from AGC to RUD-I
Acres:	38 +/-
Council District:	Four (4) William "Bump" Roddey

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Applicant: Tim Helling
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

10. Gave First Reading 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

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- 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.
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11. Authorized an Emergency Temporary Dwelling Permit Request – 412 Double Eagle Trace.
 12. Council held a discussion regarding Emergency Temporary Dwellings and directed staff to amend the Ordinance on Emergency Temporary Dwellings.
 13. Council held a discussion regarding an Adequate Public Facilities Ordinance and directed staff to include something in the budget for further discussion. Primarily Council is open to a CIP, but the AFPO, while not rejected, was something to be considered with other options if a CIP was actually prepared and approved.
 14. Council held a discussion regarding the public notice requirements and directed staff to draft a modified Ordinance for Public Notice Requirements.
 15. Council held a discussion regarding ordinance revisions requiring all future roads be private and gave no direction to staff to modify the ordinance.
 16. Approved application of calcium chloride to qualifying unpaved roads (468,774 feet) from FY 2015/2016 Road Maintenance general fund (\$1.011 per gallon or \$0.505 per linear foot).
 17. Authorized the Sheriff's request for Classification Changes.
 18. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE TEGA CAY POLICE DEPARTMENT.
 19. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE ROCK HILL POLICE DEPARTMENT.
 20. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE FORT MILL POLICE DEPARTMENT.
 21. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE CLOVER POLICE DEPARTMENT.

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22. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE CHESTER COUNTY SHERIFF.
23. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH CHEROKEE COUNTY SHERIFF.
24. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH THE YORK POLICE DEPARTMENT.
25. Adopted A RESOLUTION TO APPROVE THE YORK COUNTY SHERIFF'S PARTICIPATION IN A LAW ENFORCEMENT ASSISTANCE AND SUPPORT AGREEMENT WITH UNION COUNTY SHERIFF.
26. State Infrastructure Bank (SIB) presentation and request to forward application to the SIB.

Consent Agenda

Approved the Consent Agenda and approved the minutes from the February 15, 2016 Zoning Committee Meeting, the February 15, 2016 Transportation Committee Meeting and the February 15, 2016 County Council Meeting.

Committee and Other Reports

Planning & Economic Development Committee Meeting, March 7, 2016, 12:00pm, Chairman, Robert Winkler

Pennies for Progress Committee Meeting, March 7, 2016, 4:00pm, Chairwoman, Christi Cox

Finance & Operations Committee Meeting, March 7, 2016, 5:00pm, Chairman, Michael Johnson

Council Member New/Non-agenda Comments

Council member Bruce Henderson requested Council to consider making changes to the RD and RC zoning requirements within at least ½ mile of Lake Wylie for the next Council meeting.

Executive Session:

Receipt of Legal Advice: Landfill Matter, Update on Administrative Law Court Appeal and Personnel Matter: Executive Administrative Assistant, Crime Analyst, Chief Detention Center Administrator, Assistant Chief Detention Center Administrator, Security Captain-Detention Center, Public Information Officer, DNA Analyst, DNA Technical Leader, Paralegal Supervisor, Financial Specialist, IT Systems Manager/Engineer and IT Specialist/Application Coordinator

Matters for consideration following Executive Session

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Adjourn

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