



**YORK COUNTY
COUNTY COUNCIL**

AGENDA • SEPTEMBER 19, 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

Council member Bruce Henderson, District 2

Oath of Office for newly appointed Board and Commission Members

Appearances

Introduction of new Assistant County Manager, Andy Merriman.

Karen Brown to address Council regarding modifications to the Animal Control Ordinance.

Russ Davey to address Council regarding the proposed rezoning at 4581 Hwy 49, Lake Wylie, SC.

Allison Love to address Council regarding District 2 volunteers.

David Hamilton and Angie Smarr to address Council regarding the Historical Courthouse Time Capsule.

Public Works update on Fort Mill Recycling Center, Landfill Groundwater and Shoreham Lane.

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

Public Hearing(s)

1. HOLD A PUBLIC HEARING ON 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. [AN ADDITIONAL PUBLIC HEARING WILL BE HELD AFTER COUNCIL PUBLIC SAFETY COMMITTEE CONSIDERS THE PARTICULARS OF THE ORDINANCE AND RELATED MATTERS]

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”

2. HOLD A PUBLIC HEARING AND CONSIDER THIRD 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.

3. HOLD A PUBLIC HEARING AND CONSIDER THIRD 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

4. Rezoning Action: Consider Second Reading and Public Hearing:

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| 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.

To address potential concerns of impacts to adjacent residential properties, the Planning Commission, at their August 8, 2016 meeting, recommended the following conditions:

1. Parcel TM#719-00-00-139 (lower lot) shall not be developed
2. There will be no access from Forest Way Drive.

Due to concerns from the County Attorney related future lot combination of parcel 7190000139,

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staff is recommending condition number one be modified as follows:

“The area shown as a detention basin on the site plan submitted with the rezoning application shall not be developed and shall be used for a detention basin or maintained as undeveloped open space.”

Old Business

1. Council to discuss a transfer from the contingency building account to the family court building account in the amount of \$1,518,166.00 for the new Family Court Building.
2. Consider amending and third 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.
3. COUNCIL TO CONSIDER SECOND READING 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.
4. Rezoning Action: Consider Third Reading:

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| 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 |

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

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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.

5. Rezoning Action: Consider Third Reading:

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|---------------------------------|--|
| 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.

6. Rezoning Action: Consider Third Reading:

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

7. Rezoning Action: Consider Third Reading:

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.

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- 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.
8. Council to approve the Planning Commission's Recommendation to rename Fort Mill Southern By-Pass to Fort Mill Parkway beginning at the intersection of Dobys Bridge Road and Holbrook Road and ending at the intersection of Tom Hall Street and Highway 160 E.
 9. Council to approve the Planning Commission's Recommendation to rename Hensley Road (S-242) to West Hensley Road from Fort Mill Southern Bypass west to the 1300 block of N. Dobys Bridge Rd. (S-36).
 10. Council to approve the Planning Commission's Recommendation to rename Hensley Road (S-242) to East Hensley Road from Fort Mill Southern Bypass east to the 1299-1300 block of Tom Hall Street and E. Highway 160.

New Business

1. Council to consider authorization to establish a Pet and Vets Program at the York County Animal Shelter.
2. Consider a Request from Sheriff Bryant to Approve 6 Court Officers (Deputy I Positions) at a reoccurring cost of \$219,698.28 plus benefits.
3. Consider Adopting a Resolution to endorse the establishment of a satellite office for the York County Voter Registration and Elections Office
4. Consider a Request for an Additional Paralegal/Victim Advocate for Solicitor's office.
5. Request for Council to Consider Changing Investigator Position in Public Defender's office and Approval of Higher than Minimum Salary (Over 25%)
6. Consider approval of a resolution to designate Craig Road as a “No Thru Truck Route” from the intersection of Saluda Road to the intersection of Marshall Road to prevent heavy truck traffic on a residential street.

7. Consider approval of a resolution to designate Marshall Road as a “No Thru Truck Route” from the intersection of Auten Road to the intersection of Mt Holly Road to prevent heavy truck traffic on a residential street.
8. Council to consider approving AT&T's Utility Agreement for relocation of facilities on Pennies 3 Project 11149-011A, Gravel Road Paving - Frontier Road in the amount of \$28,960.20.
9. Council to consider approval of a Pennies 2 Right of Way Agreement with Norfolk Southern Railway Company for the Mt. Gallant Road Project in the amount of \$600,246 for railroad crossing construction.
10. Council to consider award of RFP #2366 regarding the purchase of a new indexing and imaging software system for use by the Register of Deeds Office to Business Information Systems of Piney Flats, TN for a total cost of \$199,000.
11. Council to consider approval of the Amendment to Agreement to Fund Municipal Court Attorney for 2016-2017 Fiscal Year.
12. Consider designating Keystone as the Act 301 Substance Abuse Authority for York County for one year to begin October 1, 2016.
13. Consider approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on September 6, 2016, along with nominations from the floor: Ellen Goff, Lake Wylie Marine Commission-2, Ed Lindsey, Bethel Fire Tax District, Debra Dahlin, York County Library Board (District 6), Winston Martinez, Hospitality Tax Committee (District 2), and Wes Burton, Catawba Regional Council of Government-4.

Consent Agenda

1. Minutes of Finance & Operations Committee - Finance & Operations Committee - Sep 6, 2016 5:30 PM
2. Minutes of Transportation Committee - Transportation Committee - Sep 6, 2016 5:55 PM
3. Minutes of County Council - County Council Meeting - Sep 6, 2016 6:00 PM

Committee and Other Reports

Justice & Public Safety Committee Meeting, Monday, September 19, 2016, 4:30pm, Chairwoman, Christi Cox

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Council Member New/Non-agenda Comments

Executive Session:

Contractual Matter - Park Place Road Property

Receipt of Legal Advice

Matters for consideration following Executive Session

Adjourn