



YORK COUNTY
COUNTY COUNCIL
ACTIONS • AUGUST 15, 2016



County Council Meeting

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

6:00 PM

Call to Order

J. Britt Blackwell, Chairman

Invocation and Pledge of Allegiance

Chad Williams, District 7

Oath of Office for newly appointed Board and Commission Members

David Williams, York County Economic Development Board

Wendi Michael, Library Board (District 1) **ABSENT**

Alan Abernathy, York County Forever (District 2) **ABSENT**

Stephen Strokis, Riverview Fire Tax District Board

Lonnie Manus, Riverview Fire Tax District Board

Manning Kimmel, Rock Hill/York County Airport Commission

Pickens Freeman, Rock Hill/York County Airport Commission

Appearances

James Thoroughman addressed Council regarding extension of his Temporary Dwelling Permit.

CJ Ramsey to address Council regarding the water contamination in the Travis Acres neighborhood. **ABSENT**

Xavier Tufty addressed Council regarding a sewer spill in the Regent Park neighborhood.

Carey Tilley provided Council with an update on the McCelvey Center.

Presentation by Rob Weaver, Tax Assessor regarding the SC & NC Boundary Line.

Presentation from DP3 Architects regarding the proposed Public Works Facility.

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

Will Mitchell, President of the York County Greater York Chamber, 1044 N. Beersheba Road, Clover, South Carolina addressed Council regarding their support for the York County Economic Product Development Fund.

Robb Hudson, Chairman of the York County Economic Development Board, 568 Sweet Peach Lane, Fort Mill, South Carolina addressed Council regarding their support for the York County Economic Product Development Fund.

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Public Hearing(s)

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

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:

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

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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
-
2. GAVE 2ND READING AND HELD A PUBLIC HEARING 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.

Old Business

1. Approved an Agreement by and among York County, the Culture and Heritage Commission, and the Nation Ford Land Trust for the implementation of a 25 year commitment to a trail easement with public access for a segment of the Carolina Thread Trail.
2. Gave Third Reading of AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 32, SECTIONS 32.36(A)(1) AND (A)(2) FOR THE PURPOSE OF CREATING STAGGERED THREE YEAR TERMS FOR BOARD MEMBERS SERVING ON THE CULTURE AND HERITAGE COMMISSION; TO SET OUT THE TRANSITION OF SITTING MEMBERS TO THE NEWLY ESTABLISHED INITIAL STAGGERED TERMS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
3. Gave third reading of AN ORDINANCE TO AMEND CHAPTER 35 OF THE YORK COUNTY CODE, RELATING TO TAXATION AND FINANCE, SO AS TO ADD NEW SECTION 35.150 ENTITLED "ECONOMIC DEVELOPMENT PROJECT DEVELOPMENT FUND"; TO PROVIDE FOR THE CREATION OF THE FUND AND ITS PURPOSES AND USES; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.
4. Audra Miller, Planning Director provided a summary of TIA, Subdivision and Rezoning Ordinances.

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5. GAVE THIRD READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 155, ENTITLED ZONING CODE, SECTIONS 155.009, DEFINITIONS; 155.571, INITIATION OF AMENDMENT, SUBSECTIONS (B), (C) AND (D); AND 155.572, PLANNING COMMISSION REPORT, SUBSECTION (B); IN ORDER TO AMEND THE DEFINITION OF SITE PLAN; REQUIRE A SITE PLAN AND TRAFFIC IMPACT ANALYSIS BE SUBMITTED FOR ALL APPLICATIONS FOR AMENDMENT (REZONING); TO PRECLUDE THE PLANNING COMMISSION FROM CONSIDERING APPLICATION FOR AMENDMENT (REZONING) UNTIL AN APPLICATION IS COMPLETE; TO ADD TRAFFIC IMPACT FACTORS AS A CONSIDERATION FOR THE PLANNING COMMISSION REPORT; TO PROVIDE FOR A PUBLIC HEARING; TO TAKE EFFECT SEPTEMBER 1, 2016; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

6. GAVE THIRD READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 154, ENTITLED SUBDIVISION CODE, SECTIONS 154.029, PRELIMINARY PLAT REVIEW, SUBSECTIONS (B) AND (D); AND 154.030, PRELIMINARY PLAT APPLICATION AND SUPPORTING DATA (REQUIREMENTS), SUBSECTIONS (A)(1) AND (A)(4); IN ORDER TO REVISE PRELIMINARY PLAT REVIEW PROCEDURES BY REQUIRING ALL APPLICATION REQUIREMENTS BE MET BEFORE THE PLANNING COMMISSION MAY REVIEW AN APPLICATION FOR PRELIMINARY PLAT; TO ESTABLISH FINDINGS FOR PRELIMINARY PLAT APPROVAL BY THE PLANNING COMMISSION; TO AMEND THE APPLICATION REQUIREMENTS FOR A PRELIMINARY PLAT TO INCLUDE TRAFFIC IMPACT ANALYSES; CLARIFY THE APPLICATION REQUIREMENTS REGARDING SCDHEC APPROVAL OF SEPTIC SYSTEMS; TO PROVIDE FOR A PUBLIC HEARING; TO TAKE EFFECT SEPTEMBER 1, 2016; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

7. GAVE THIRD READING OF AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 154, ENTITLED SUBDIVISION CODE, SECTIONS 154.004, DEFINITIONS; AND 154.037, PLAT APPROVAL PROCESS: STREETS; IN ORDER TO ADD DEFINITIONS FOR AVERAGE DAILY TRIPS, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS, INSTITUTE OF TRANSPORTATION ENGINEERS, AND TRAFFIC IMPACT ANALYSIS METHODOLOGY GUIDELINES; TO AMEND TRAFFIC IMPACT ANALYSIS REQUIREMENTS IN THEIR ENTIRETY; TO PROVIDE FOR A PUBLIC HEARING; TO TAKE EFFECT SEPTEMBER 1, 2016; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

8. Rezoning Action: Gave Third Reading:

Case #	16-07
Tax Map #	5350000152
Zoning Request:	To rezone from RC-II to BD-III

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Acres: +/- 9 acres
Council District: Four (4) William "Bump" Roddey
Applicant: Brent A. Finley
Owner: Sherry Stillwell/Estate of Frances Johnston
Location: 1626 Darby Road in the Rock Hill community
Planning and Development Staff: APPROVAL
Planning Commission: APPROVAL with condition (8-0)
Planning Commission Date: May 9, 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 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.
3. The proposed rezoning request is located within a small mixed use node that includes commercial development.

At their May 9, 2016 meeting, the Planning Commission recommended the following condition:

1. Restrict all uses except "ministorage" and permitted accessory uses.

New Business

1. Approved a lease agreement for office space for the Solicitor's Office.
2. GAVE FIRST 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
3. GAVE FIRST 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.
4. Approved a Venue Agreement with the York Chamber of Commerce for the utilization of County properties for staging of Summerfest activities.

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5. Approved a contract with Kimley-Horn in a not-to-exceed amount of \$100,000 for cost estimation/risk assessment for potential roadway improvement projects associated with the 2017 Capital Projects Sales and Use Tax Initiative.
6. Approved a contract with HDR Engineering, Inc. of the Carolinas in a not-to-exceed amount of \$100,000 for cost estimation/risk assessment for potential roadway improvement projects associated with the 2017 Capital Projects Sales and Use Tax Initiative.
7. Approved change order No. 1 to Granite Contracting LLC's construction contract in the amount of \$263,250.25 For Construction Of a 10-inch sewer force main on the Tega Cay/Gold Hill Road Connector Project for York County.
8. Approved a Black & Veatch engineering contract in a not-to-exceed amount of \$253,496.00 which includes a 10% Contingency for updating the master plan for the Western Water Distribution System.
9. Approved Clarification to the Current Membership of the Building Board of Appeals as designated by the Finance and Operations Board at their June 20, 2016, so that Mr. Sieck and Mr. Harper should serve as members and so that Mr. Crenshaw and Mr. Ferrara should serve as alternates.
10. Authorized approximately 400 feet of Crosby Lane to the list of County Council approved road closure candidates due to roadway safety concerns and authorize the County Attorney's Office to petition the court for road closure.
11. Approved the Planning Commission's Recommendation to rename McKinney Street (J4-008) to Legion Road (S-1230).
12. Deferred the Planning Commission's Recommendation to rename Fort Mill Southern Bypass 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.
13. Deferred 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.
14. Deferred 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).

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15. Rezoning Action: Gave First Reading:

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.

16. Rezoning Action: Gave First 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

17. Rezoning Action: Gave First 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.
- 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.

18. Rezoning Action: Gave First Reading:

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.**

19. Approved rejection of all bids received regarding Bid #2362 for the 2015-2016 C Fund Resurfacing Project.

20. GAVE FIRST READING BY TITLE ONLY 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 THE CONSUMMATE SUCH AGREEMENT; AND, TO PROVIDE FOR OTHER MATTERS RELATED THERETO

21. Gave First Reading by Title Only of an Ordinance amending the York County Procurement Code by amending Section 35.007(B)(8) in order to clarify the role of the York County Purchasing Director, and the related process, in authorizing or seeking participation in the contracts negotiated and established by the State of South Carolina (State Contracts) and by amending Section 35.010(D)(3) in order to clarify the County's use of State Contracts while maintaining other requirements in the Code; and, to provide for other matters related thereto.

22. Authorized declaring a 1986 KME fire truck apparatus and associated equipment as surplus and award the fire truck and equipment to York County's Oakdale Fire Department.

23. Authorized award of Bid #2356 regarding the purchase of 34 sets of peak performance turnout gear on behalf of the Department of Fire Safety, to the lowest responsible bidder, Newton's Fire and Safety of Graham NC for a total amount of \$71,668.60.

24. Gave approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on July 18, 2016, along with nominations from the floor: Jeff Bushardt, York County Economic Development Board, Jimmy Sprouse, York County Economic Development Board, Mark Hamrick, Keep York County Beautiful-6, Marilyn Hakim, Keep York County Beautiful-At Large, Valerie Lynch, Board of Assessment Appeals-2, and Teresa Bass, Employee Grievance Committee.

Consent Agenda

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Approved the Consent Agenda and approved the minutes of the July 18, 2016 Zoning Committee, the July 18, 2016 Finance & Operations Committee meeting, the July 18, 2016 Transportation Committee meeting, the July 18, 2016 County Council meeting and the July 27, 2016 Special Called Meeting.

Committee and Other Reports

Pennies for Progress Committee, August 15, 2016, 4:30pm, Chairwoman Christi Cox

Justice & Public Safety Committee, August 15, 2016, 5:00pm, Chairwoman Christi Cox

Council Member New/Non-agenda Comments

Council member Chad Williams informed Council and staff of an email he received from a citizen that was expressing their happiness with the Public Works staff for removing a tree that was falling into the roadway.

Executive Session:

Contractual Matter - Carolina Water Service
Personnel Matter - Assistant County Manager

Matters for consideration following Executive Session

Adjourn