



**YORK COUNTY
COUNTY COUNCIL**

AGENDA • FEBRUARY 1, 2016



County Council Meeting

**Agricultural Building
Council Chambers**

6:00 PM

6 S. Congress Street, York, SC 29745

Call to Order

Invocation and Pledge of Allegiance

Council member Robert Winkler, District 3

Oath of Office for newly appointed Board and Commission Members

Jackie Canty, Economic Development Board (Catawba Indian Nation Representative)
Constance Larson, Catawba Regional Workforce Investment Board

Appearances

Council to recognize Rhonda Elliott on her service and retirement with York County.

Chet Miller to address Council regarding the Lake Wylie petition form approval.

Shannon Parrish to address Council regarding the Earth & Woods rezoning.

Todd Cooper to address Council regarding the Earth & Woods rezoning.

Frank Strasburger to address Council regarding the Earth & Woods rezoning.

Dorothy Willard to address Council regarding the Earth & Woods rezoning.

Peter Markis to address Council regarding the Earth & Woods rezoning.

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

Public Hearing(s)

1. Rezoning Action: Consider First Reading and Public Hearing:

Case #	15-33
Tax Map #	6200000005
Zoning Request:	Request to rezone property from RUD to RD-II
Acres:	84.39 +/-
Council District:	Five (5) Cox
Applicant:	Will Jordan
Owner:	Clarence H. & S. Albright Family Limited Partnership
Location:	Hwy 901 and Long Meadow Road in the Rock Hill community
Planning and Development Staff:	DENIAL

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Planning Commission: APPROVAL with Condition (8-0)

Based on the information prepared by staff outlined within this Planning Commission report staff recommends Denial based on the following considerations:

- The rezoning request is inconsistent with the Plan’s recommended land use designation of Light Industrial/Employment.
- Development of the site as residential would remove a potentially large, optimally located and utility served industrial site from the County’s limited inventory.
- Eliminate the potential for an employment producing use.

Planning Commission Recommendation:

At its January 11, 2015 meeting the Planning Commission recommended approval of the rezoning with the following condition:

1. All lots shall not be less than 80 feet in width.

2. Rezoning Action: Consider First Reading and Public Hearing:

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
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

3. Rezoning Action: Consider First Reading and Public Hearing:

Case #	15-38
Tax Map #	6530000015P, 6550000005, 6550000006, 6550000010, 6550000031, & 6550000054
Zoning Request:	Request to rezone property from RD-II and LI to BD-III
Acres:	7.48 +/-
Council District:	Seven (7) Williams
Applicant:	Lidl US, LLC
Owner:	Forestar Real Estate Group; Ronald R and Debra E. Myers;

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Location: Sandra B. McDonald; Barbara C. Funderburk; Patricia Lee Lewis, et al; N. Kathryn Jennings and David W. Jennings
302 Hampton Trail Drive; 1060 Isom Road; 1051 RPC Road; 1740 & 1760 Pleasant Road, 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. While the proposed rezoning is not consistent with the Comprehensive Plan there are similar uses found in the immediate area.
2. The proposed use identified within the rezoning application is compatible with the uses found in the surrounding.

Old Business

1. Rezoning Action: Consider Third Reading:

Case # 15-32
Tax Map # 5460000122
Zoning Request: Request to rezone property from BD-I to BD-III
Acres: 0.77 +/-
Council District: Six (6) Blackwell
Applicant: John D. Rinehart
Owner: Main 7, LLC
Location: 4939 Mount Gallant Road in the Rock Hill community
Planning and Development Staff: DENIAL
Planning Commission: APPROVAL with Condition (7-0)

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

1. The proposed rezoning is not consistent with the Comprehensive Land Use Plan for the area.
2. The proposed rezoning is not consistent with the character of the surrounding area.

Planning Commission Recommendation:

At its December 14, 2015 meeting the Planning Commission recommended approval of the rezoning and limited uses within the site to the following:

1. The use is limited to pet grooming services, pet supplies and kennels

At its January 19, 2016 meeting the Council approved second reading with the following Condition:

1. The uses shall be limited to pet grooming services, pet supplies, and kennels, and all BD-

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I uses permitted within the BD-III Zoning District.

2. Rezoning Action: Consider Third Reading:

Case # 15-34
Tax Map # 6480000005
Zoning Request: Request to rezone property from RUD TO BD-III
Acres: 6.59 +/-
Council District: One (1) Johnson
Applicant: Earth and Woods, LLC
Owner: Wells Fargo Bank
Location: 3354 Hwy 160 in the Fort Mill community
Planning and Development Staff: DENIAL
Planning Commission: APPROVAL with Condition (6-0) (Heinsohn (7) Recusal)

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

1. The proposed rezoning is not consistent with the Comprehensive Land Use Plan for the area.
2. The proposed rezoning is not consistent with the character of the surrounding area.

Planning Commission Recommendation:

At its December 14, 2015 meeting the Planning Commission recommended approval of the rezoning and limited uses within the site to the following:

1. The use is limited to garden and lawn equipment sales and services

At its January 19, 2016 meeting the Council approved second reading with the following Condition:

1. Uses will be limited to permitted RUD uses allowed in BD-III and (§155.146) R5, S5, and S10 uses.

3. Consider Second Reading of AN ORDINANCE TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE OF ORDINANCES, SECTION 33.018, PAY POLICY, TO ADD NEW SUBSECTION 33.018(D) TO PROVIDE FOR AN ELECTED OFFICIAL DISCRETIONARY PAY POLICY; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

New Business

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1. Consider approval of nominated applicants for service for Boards & Commissions from the Finance & Operations Committee meeting on January 19, 2016, along with nominations from the floor: Anita Shaw, Accommodations Tax Advisory Board (Hospitality Industry-3), Caitlin Totherow, Rock Hill/York County Convention & Visitor's Bureau (At Large-5), Matthew Heard, Keep York County Beautiful (District 7), Faith Funderburke, Keep York County Beautiful (At Large-6), and Richard Chacon, York County Culture & Heritage Commission (Ex Officio-7).
2. Council to consider award of Bid # 2327 regarding the purchase of a rubber tire loader for use by Solid Waste Disposal, to the lowest responsive and responsible bidder, May Heavy Equipment of Columbia, SC for a total cost of \$199,430.55.
3. Council to consider award of Bid #2328 regarding the purchase of a new stationary breathing air system for use by the Bethel Volunteer Fire Department, to the lowest responsive and responsible bidder, Universal Air and Gas of Charlotte, NC for a total cost of \$38,447.24.
4. Council to consider award of Bid #2329 regarding the removal of waste tires for disposal and recycling for the Public Works Department, to the lowest responsive and responsible bidder, US Tire Recycling of Concord, NC for a total cost not to exceed \$88.50 per ton to include an additional \$0.05 per pound for heavy equipment tires.
5. Council to consider award of Bid #2330 regarding services for wood, yard waste debris processing and hauling for the York County Solid Waste Disposal Department, to the lowest responsive and responsible bidder, Callahan Grading of Fort Mill, SC for a total cost of \$33.11 per ton.
6. Council to consider award of Bid #2331 regarding concrete, asphalt, and masonry waste crushing services for the Solid Waste Disposal Department, to the lowest responsive and responsible bidder, Ashmore Bros., A Division of Rogers Grading Inc. Of Greer, SC for a total cost of \$8.75 per ton.
7. Council to Consider Authorization of a Venue Agreement for the Carolina Bass Challenge at Ebenezer Park.
8. Council to Consider an Emergency Temporary Dwelling Permit Request – 1397 Woodmere Lane
9. Council to Approve an Amended Resolution (1915) Designating York County Council on Aging as the Direct Sub-Recipient for the Federal Transit Administration Section 5311 Non-Urbanized Area Public Transportation Funds

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10. Council to Consider and Approve Assignment of "Agreement Regarding Road Improvements for McCullough Development and Release and Indemnification of York County"
11. Consider first 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.
12. Request authorization to apply and to accept if a awarded, a South Carolina Coordinating Council Economic Development Setaside Grant C-16-2595 for Project TCS in the amount of \$150,000. No local match is required.
13. Council to consider first reading of an Ordinance authorizing the execution and delivery of a Fee In Lieu of tax agreement by and among York County and Project Raven ("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.
14. Council to consider authorizing the Lake Wylie Sports Commission to rename its intended sports complex to exclude the use of "York County" in the complex name.
15. Consider approval of the form of petition, as set out on SEC FRM 1000-200910 petition form, required in the creation of a special tax district under S.C. Code Section 4-9-30(5)(a).

Consent Agenda

1. Minutes of Pennies for Progress Committee - Pennies for Progress Committee - Jan 15, 2016 11:30 AM
2. Minutes of Finance & Operations Committee - Finance & Operations Committee - Jan 19, 2016 5:00 PM
3. Minutes of County Council - County Council Meeting - Jan 19, 2016 6:00 PM
4. Minutes of Transportation Committee - Transportation Committee - Jan 19, 2016 12:00 AM

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Committee and Other Reports

Finance & Operations Committee Meeting, February 1, 2016, 5:00pm, Chairman, Michael Johnson

Council Member New/Non-agenda Comments

Executive Session: Receipt of Legal Advice: Update of potential litigation; Personnel Matter - Executive Administrative Assistant, Crime Analyst, Chief Detention Center Administrator, Assistant Chief Detention Center Administrator, Security Captain-Detention Center

Matters for consideration following Executive Session

Adjourn