

Amended

Agenda

York County Council

Council Chambers, Agricultural Bldg, 6 S. Congress St., York, SC

Monday, August 17, 2009

6:00pm

Call to Order ..... Houston O. Motz, Chairman

Invocation and Pledge of Allegiance..... Houston O. Motz, District 6

Award Presentation

To Council members Roy Blake and Paul Lindemann for completing and graduating from Level I classes from the Institute of Government for County Officials through the South Carolina Association of Counties

Appearances

Josh Rhodes from the South Carolina Association of Counties

Ken Montanye - Road Right-of-Way concerns

Carl Faulk, Newport Fire District Chief - To request permission to apply for a Staffing for Adequate Fire and Response (SAFER) grant; the request is included in the "New Business" section of this agenda.

Public Hearing(s)

- 1. Public hearing and consider 1<sup>st</sup> reading:

Tax Map 7390000011

Zoning request:	RC-I to BD II
Acres:	3.0 +/-
Council district:	One (1) Lindemann
Applicant:	Stephen D. Trull
Owners:	Stephen D. Trull
Location:	Property is located at 1545 Williams Road in the Fort Mill Community.
Staff:	Denial
Planning Commission:	Approval

Zoning Committee:

2. Public hearing and consider 2<sup>nd</sup> reading of an ordinance to amend section 155.428, *Lot Development Standards*, of the County's Planning and Development Ordinance, related to accessory structure and use setbacks.
  
3. Public hearing and consider 3<sup>rd</sup> reading to an ordinance entitled, "TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 155, BY AMENDING SECTIONS 155.320, 155.321, 155.322, 155.323, 155.324, 155.325, 155.326, 155.327, 155.328, AND 155.329 AND TO INSERT NEW SECTIONS 155.330, 155.331, ET SEQ., FOR THE PURPOSE OF PROTECTING LAKE WYLIE AND THE CATAWBA RIVER, THEIR WATERS, TRIBUTARIES, AND THE PERENNIAL STREAMS WHICH DRAIN INTO LAKE WYLIE; TO DEFINE THE LAKE WYLIE AND CATAWBA RIVER BUFFERS AND OVERLAY ZONES; TO PROVIDE FOR NON-CONFORMING USES, EXEMPTIONS, AND ALTERNATE REQUIREMENTS TO THE LAKE WYLIE AND CATAWBA RIVER BUFFERS; TO DEFINE TERMS AND PHRASES USED IN THIS CHAPTER 155 OF THE YORK COUNTY CODE OF ORDINANCES; TO ESTABLISH BASIC REQUIREMENTS FOR ALL LOTS ADJACENT TO THE PROJECT BOUNDARY OF LAKE WYLIE AND THE CATAWBA RIVER; TO PROVIDE FOR WORK WHICH REQUIRES SUBMISSION, APPROVAL AND ISSUANCE OF LAKE WYLIE AND CATAWBA RIVER BUFFER COMPLIANCES; TO PROVIDE FOR WAIVERS FROM THE PROVISIONS OF THE LAKE WYLIE AND CATAWBA RIVER BUFFERS ESTABLISHED IN THIS CODE AS THEY PERTAIN TO CHANGES IN STRUCTURE DIMENSION, ADDITIONS TO NON-CONFORMING STRUCTURES, REPAIRS TO ATTACHED AMENITIES, AND LANDSCAPING; TO PROVIDE A PROCESS FOR APPROVAL PROCEDURES FOR PERMITTED ACTIVITIES WITHIN THE BUFFERS ESTABLISHED HEREIN; TO REQUIRE INSPECTIONS AND APPROVALS FOR WORK WITHIN THE LAKE WYLIE AND CATAWBA RIVER BUFFERS; TO REQUIRE A FULL BOUNDARY SURVEY AND ESTABLISH REQUIREMENTS FOR THE SALE OF ANY LOT, PLAT APPROVAL, ZONING COMPLIANCE OR BUILDING PERMIT SUBJECT TO THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR TO THE YORK COUNTY ZONING BOARD OF APPEALS; TO ESTABLISH THE PROCESS, PROCEDURES AND REQUIREMENTS FOR APPLICATIONS FOR VARIANCES; TO PROVIDE THAT VIOLATIONS OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR AND TO PROVIDE FOR THE PENALTIES UPON CONVICTION OF SUCH VIOLATIONS OR OFFENSES; TO PROVIDE ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF THIS CHAPTER; TO AUTHORIZE THE WITHHOLDING OF PERMITS FOR ANY LOT OR PROPERTY FOR WHICH THE OWNER OR OTHER ENTITY OR THE PROPERTY IS IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR MITIGATION AND RESTORATION OF DAMAGE TO OR DESTRUCTION OF THE BUFFERS ESTABLISHED IN THIS CHAPTER; TO PROVIDE FOR APPEALS FROM MITIGATION OR RESTORATION DECISIONS OF COUNTY OFFICIALS UNDER THIS CHAPTER; AND, TO PROVIDE FOR OTHER MATTERS RELATING THERETO."
  
4. Public hearing and consider 2<sup>nd</sup> reading of an ordinance entitled "TO AMEND AN ORDINANCE ENTITLED "TO ESTABLISH OPERATING AND CAPITAL BUDGETS FOR THE OPERATION OF THE COUNTY GOVERNMENT OF YORK COUNTY FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, ETC"; TO PROVIDE FOR THE LEVY OF TAXES FOR BETHEL RURAL FIRE DISTRICT AND FOR APPROPRIATIONS FOR BETHEL RURAL FIRE DISTRICT; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR MATTERS RELATING THERETO."

## Old Business

Report from Zoning Committee Chairman, regarding the following rezoning requests  
(Meeting on August 17, 2009)

1. Consider 2<sup>nd</sup> reading:

Tax Map 3740000042

Zoning request:	AGC to RUD
Acres:	5 +/-
Council district:	Two (2) Smith
Applicant:	Bob Mobley
Owners:	Michael W. Mobley
Location:	Property is located at 1306 Love Road in the Clover community.
Staff:	<b>Approval</b>
Planning Commission:	<b>Approval</b>
Zoning Committee:	

2. Consider amending and giving 2<sup>nd</sup> reading of an ordinance entitled "TO AMEND THE YORK COUNTY CODE OF ORDINANCES BY ADDING NEW SECTIONS 32.100 THROUGH 32.105 TO CREATE A NEW COMMISSION TO BE KNOWN AS THE YORK COUNTY COMMUNITY RELATIONS COMMISSION; TO PROVIDE FOR THE STRUCTURE, ORGANIZATION, COMPOSITION, PURPOSE, POWERS, DUTIES AND FUNCTIONS OF THE YORK COUNTY COMMUNITY RELATIONS COMMISSION; TO PROVIDE FOR THE APPOINTMENT AND TERMS OF OFFICE OF MEMBERS OF THE COMMISSION; TO PROVIDE FOR A PUBLIC HEARING BEFORE FINAL ADOPTION OF THIS ORDINANCE AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."

Executive Session: Condemnation(s) and Contractual Matters

## New Business

1. Consider 1<sup>st</sup> reading:

Tax Map 5270000061

Zoning request:	AGC to AGC-I
Acres:	23.5 +/-
Council district:	Five (5) Chappell
Applicant:	Kathleen Sullivan
Owners:	Kathleen Sullivan
Location:	Near Rambo Road and Skyline Road in the Rock Hill Community
Staff:	<b>Approval</b>
Planning Commission:	<b>Approval on 8/10/2009</b>
Zoning Committee:	

2. Consider 1<sup>st</sup> reading of an ordinance entitled, "TO AMEND SECTIONS 155.550 AND 155.560, SUBSECTIONS (A) (B) IN CERTAIN PARTICULARS AND ADDING A NEW SECTION 155.560 (C) RELATING TO GRANDFATHERED NONCONFORMING USES AND EXPANSIONS

TO CERTAIN NONCONFORMING USES AND NONCONFORMING STRUCTURES; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."

3. Consider 1<sup>st</sup> reading of an ordinance entitled, "AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR YORK COUNTY GOVERNMENT OF SOUTH CAROLINA"
4. Consider 1<sup>st</sup> reading of an ordinance entitled, "AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF SMYRNA TO THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF SMYRNA; TO PROVIDE FOR REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE REGISTRATION AND ELECTIONS COMMISSION FOR YORK COUNTY IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO."
5. Consider adopting a resolution entitled, "A RESOLUTION AUTHORIZING THE FIRST AMENDMENT OF THAT CERTAIN FEE IN LIEU OF TAX AGREEMENT BETWEEN YORK COUNTY, SOUTH CAROLINA AND PARAMOUNT PARKS, INC. D/B/A PARAMOUNT CAROWINDS (THE "COMPANY") TO EXTEND THE INVESTMENT PERIOD AND PAYMENT PERIOD IN CONSIDERATION OF ADDITIONAL INVESTMENT BY THE COMPANY; AND OTHER MATTERS RELATING TO THE FOREGOING."
6. Consider adopting a proclamation declaring the fourth Monday in September as "Family Day ~ A Day to Eat Dinner with your Children"
7. Consider authorizing an extension of the 5-year manufacturer's abatement on the Paxar building in Waterford Business Park in Rock Hill for Carolina Ingredients
8. Consider request to apply for a grant offered by the federal government under the "Grants for Transportation Investment Generating Economic Recovery" or "Tiger Grant" program for expenses related to the construction of the proposed extension of Dave Lyle Boulevard in Rock Hill
9. Consider disposal of the Old Bethel Snorkel Ladder Truck
10. Consider Construction Contract for the Department of Social Services (DSS)/Heckle Crossing Shopping Center Renovation Project
11. Consider bids for the floor resurfacing in cell block "D" for use by the York County Detention Center; Bid #1886

12. Consider approval of construction Change Order No. 5 for Eagle Construction Company for Project 97-006: SC Highway 274 as part of the 1997 Capital Projects Sales and Use Tax Program
13. Consider approval of Contract Amendment for SCDOT's construction engineering and inspections services (CE&I) for Project 97-009: Cherry Road (York Avenue to Heckle Boulevard) as part of the 1997 Capital Projects Sales and Use Tax Program
14. Consider approval of agreement with Carolina Gas Transmission Corporation for relocation of gas utilities for Project 97-012: SC Route 5 Bypass (around York) as part of the 1997 Capital Projects Sales and Use Tax Program
15. Consider approval of agreement with York Electric Cooperative for relocation of electrical utilities for Project 03-001: Mt. Gallant (Anderson to Celanese) as part of the 2003 Capital Projects Sales and Use Tax Program
16. Consider approval of agreement with Duke Energy for relocation of electrical utilities for Project 03-002(f): US Route 321/ Ferguson Ridge Road/ Ridge Road Intersection Improvements as part of the 2003 Capital Projects Sales and Use Tax Program
17. Consider approval of consultant Contract Amendment No. 1 for Mulkey Engineers and Consultants for Project 03-005: SC Route 97 Improvements as part of the 2003 Capital Projects Sales and Use Tax Program
18. Consider approval of reallocation of various funds as they relate to multiple Congestion Mitigation and Air Quality (CMAQ) Program Grant funding opportunities
19. Consider approval of Memorandum of Understanding between The City of Rock Hill and York County, (as RFATS communities) for the purposes of establishing responsibilities and cost sharing as it relates to the Congestion Management Process (CMP) Study Update
20. Consider approval of local match monies to provide support funding to the proposed Charlotte Area Transit System (CATS) 78X Celanese Corridor Express Bus Route.
21. Consider approval of construction contract Change Order #1 with Davis Grading for work associated with the water system replacement at the River Pines Development
22. Consider approval of Change Order #1 with Haren Construction Company for work associated with the Little Allison Creek Pump Station and Force Main project

23. Consider approval of Change Order #1 to decrease the amount of the contract with Hobby Construction Company for work on the Little Allison Creek Pump Station and Force Main project by \$55,953.55
24. Consider disengaging from the financial contribution to the Highway 21 Bridge Enhancement project
25. Consider authorizing Newport Fire District to apply, and accept if awarded a Staffing for Adequate Fire and Emergency Response (SAFER) grant, which is funded through FEMA
26. Consider authorizing staff to seek bids for replacement vehicles
27. Requested discussion on the Unified Development Ordinance (UDO)

## Committee Report

Planning & Economic Development Committee and Zoning Committee Meeting -  
Tom Smith and Curwood Chappell, Chairmen  
*(Meeting on August 17, 2009 at 5:00pm)*

Finance & Operations Committee Meeting - Joseph Cox, Chairman  
*(Meeting on August 17, 2009 at 5:30pm)*

## Consent Agenda

<u>Item</u>	<u>Action</u>
a. Approve minutes of July 20, 2009 Council Meeting	Approve as written

Those wishing to appear not on the agenda

## Matters for consideration following Executive Session

1. Consider authorization of proposed Condemnations
2. Consider 1<sup>st</sup> reading of an ordinance entitled, "TO AUTHORIZE THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN YORK COUNTY, SOUTH CAROLINA AS LESSOR AND JOHN D. GOOD OR HIS NOMINEE AS LESSEE FOR THE LEASE OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 4043 ACRES, MORE OR LESS, LOCATED AT 260 DAVE LYLE BOULEVARD, ROCK HILL, SOUTH CAROLINA; TO PROVIDE THE TERMS,

CONDITIONS, AND OTHER PROVISIONS AND CONDITIONS UPON WHICH SUCH PROPERTY SHALL BE LEASED; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERTO.

3. Stormwater Agreement for Ross Dress for Less

Adjourn

**\*\*Transportation Committee Meeting will convene immediately following the regular Council Meeting. The agenda includes reallocation consideration of C-Fund Monies\*\***