

Agenda

York County Council

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

Tuesday, January 20, 2009

6:00pm

Call to Order Houston O. Motz, Chairman

Invocation and Pledge of Allegiance Paul Lindemann, District 1

Appearances

Ms. Laurie Smith from Elliott Davis, CPA firm to present FY 2008 audit

Kevin Brackett - Victims of Crime Act Grant

Public Hearing

1. Public Hearing and consider 2nd reading to an ordinance entitled, "TO AMEND THE YORK COUNTY CODE OF ORDINANCE BY INSERTING NEW SECTIONS THEREIN REGULATING SMOKING IN PUBLIC PLACES IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; TO DEFINE THE TERMS USED IN THIS ORDINANCE; TO PROHIBIT SMOKING IN PLACES OF EMPLOYMENT IN THE UNINCORPORATED AREAS OF YORK COUNTY; TO PROVIDE EXEMPTIONS IN UNINCORPORATED AREAS OF YORK COUNTY FROM THE PROVISIONS OF THIS ORDINANCE; TO PERMIT OWNERS, OPERATORS, MANAGERS OR PERSON IN CONTROL OF AN ESTABLISHMENT, FACILITY OR OUTDOOR AREA TO DECLARE THE ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE; TO REQUIRE THE POSTING OF NO SMOKING SIGNS IN EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBIT RETALIATION AGAINST EMPLOYEES, APPLICANTS FOR EMPLOYMENT OR CUSTOMERS FOR THE EXERCISE OF ANY RIGHTS PROTECTED BY THIS ORDINANCE; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE THAT VIOLATIONS OF THIS ORDINANCE SHALL CONSTITUTE A MISDEMEANOR AND TO PROVIDE FOR FINES AND/OR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; TO DECLARE THAT VIOLATIONS OF THIS ORDINANCE SHALL CONSTITUTE A PUBLIC NUISANCE; TO PROVIDE CIVIL AND ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF THIS ORDINANCE; TO REQUIRE A CONTINUING PROGRAM OF PUBLIC EDUCATION;

TO EXPRESS THE LEGISLATIVE INTENT OF COUNTY COUNCIL IN ENACTING THE ORDINANCE; TO REQUIRE A PUBLIC HEARING BEFORE THIS ORDINANCE SHALL BECOME EFFECTIVE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO

2. Public Hearing and consider 2nd reading to an ordinance entitled, TO AMEND THE CODE OF THE COUNTY OF YORK BY CREATING CHAPTER 156, TEMPORARY DWELLING PERMITS, SECTIONS _____ THROUGH _____, UNDER THE COUNTY'S AUTHORITY CONFERRED BY THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT, TITLE 6, CHAPTER 29, AS AMENDED, AND ITS AUTHORITY TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF YORK COUNTY, BY ESTABLISHING TEMPORARY ALLOWANCES FOR SECONDARY DWELLINGS, THE NEED FOR WHICH IS CREATED UNDER EXIGENT CIRCUMSTANCES AND PERSONAL HARDSHIP, WHERE AN APPLICANT FOR A TEMPORARY DWELLING PERMIT DEMONSTRATES: THE NEED FOR THE PROVISION OF CONTINUOUS MEDICAL CARE OR ASSISTANCE TO AN INDIVIDUAL, OR THAT THE OWNERS OF THE PARCEL IN ISSUE ARE IN THE PROCESS OF BUILDING A PERMANENT DWELLING UPON THE PARCEL, OR THAT THE OCCUPANT OF THE TEMPORARY DWELLING IS AN IMMEDIATE FAMILY MEMBER WHO IS EXPERIENCING FINANCIAL HARDSHIP; AND, WHERE THE APPLICANT FOR THE TEMPORARY DWELLING PERMIT CAN MEET CRITERIA REQUIRING DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS, PROVIDE CURRENT VEHICULAR LICENSES FOR RECREATIONAL VEHICLES USED AS TEMPORARY DWELLINGS, DEMONSTRATE ONLY ONE TEMPORARY DWELLING PER PARCEL, AFFIRM THAT NO RENT, FEE, OR PAYMENT OF ANY KIND WILL BE RECEIVED FOR THE PROVISION OF THE TEMPORARY DWELLING, DEMONSTRATE THAT THE DWELLING MEETS SCDHEC REQUIREMENTS FOR WATER AND WASTEWATER AND MEETS YORK COUNTY REQUIREMENTS FOR TEMPORARY ELECTRICAL SERVICE, AND DEMONSTRATE THAT THE TEMPORARY DWELLING MEETS THE SETBACK REQUIREMENTS FOR THE PRINCIPAL STRUCTURE ON THE PARCEL; AND, WHERE THE PARCEL OWNER SEEKING THE TEMPORARY DWELLING PERMIT SUBMITS AN APPLICATION TO THE YORK COUNTY PLANNING AND DEVELOPMENT DEPARTMENT WHICH INCLUDES A SITE PLAN FOR THE PARCEL, A DESCRIPTION FOR THE PROPOSED DWELLING, A NOTARIZED STATEMENT SIGNED BY ALL OWNERS OF THE PARCEL SETTING FORTH THE CIRCUMSTANCES NECESSITATING THE TEMPORARY DWELLING, PAYMENT OF THE APPLICATION FEE AS ESTABLISHED BY YORK COUNTY COUNCIL, AND, IN THE CASES OF MEDICAL EMERGENCY, A STATEMENT FROM A PHYSICIAN SUBSTANTIATING THE NEED FOR CONTINUOUS CARE FOR A PERSON RESIDING ON THE PARCEL IN ISSUE; AND, TO ESTABLISH THE PROCEDURE FOR WHICH THE YORK COUNTY COUNCIL IS TO HEAR THE APPLICATION FOR THE PERMIT, MAKE ITS FINDINGS CONCERNING HARDSHIP AND CRITERIA, AND RENDER ITS DECISION; TO PROVIDE FOR COUNTY COUNCIL TO ATTACH REASONABLE CONDITIONS TO THE APPLICATION REQUEST, IF GRANTED; TO PROVIDE FOR A DEFINITE SIX MONTH TERM FOR THE TEMPORARY DWELLING PERMIT, AND A PROCESS FOR RENEWING THE PERMIT FOR AN ADDITIONAL SIX MONTH TERM; TO PROVIDE FOR THE REVOCATION OF THE PERMIT; TO PROVIDE FOR THE EXPIRATION OF THE PERMIT AND THE REVERSION OF THE DWELLING TO ITS PRIOR USE BEFORE THE ISSUANCE OF THE PERMIT; TO PRONOUNCE THAT THE ISSUANCE OF A TEMPORARY DWELLING PERMIT DOES NOT CONFER A PERMANENT OR VESTED RIGHT; TO PROVIDE FOR THE ULTIMATE RECISSION OF THIS ORDINANCE BY ACTION OF THE COUNCIL; AND, TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Old Business

Report from Zoning Committee Chairman, regarding the following rezoning requests
(Meeting on January 20, 2009 at 5:30pm)

1. Consider 2nd reading:

Tax Map 146-9

Zoning request	AGC to AGC-I
Acres	82.13 +/-
Council district	3 Cox
Applicant	Michael S. Petty
Owners	Michael S. Petty
Location	Property is located on Locust Hill Road in the Sharon community.
Staff:	Denial
Planning Commission:	Approval
Zoning Committee:	

2. Consider 2nd reading:

Tax Map 408-14

Zoning request	AGC to RUD
Acres	10.15 +/-
Council district	5 Chappell
Applicant	Ralph W. Adams
Owners	Ralph W. and Rebecca A. Adams
Location	Property is located at 4770 McConnells Highway in the York community.
Staff:	Approval
Planning Commission:	Approval
Zoning Committee:	

3. Consider 2nd reading:

Tax Map 196-48

Zoning request	AGC to AGC-I
Acres	105.67 +/-
Council district	3 Cox
Applicant	David Michael Broome
Owners	David Michael Broome
Location	Property is located at 1040 King Road in the York community.
Staff:	Denial
Planning Commission:	Approval
Zoning Committee:	

4. Consider 2nd reading:

Tax Map 717-3-P, 20-P

Zoning request	AGC to BD-III
Acres	5.38 of 12.38 and 5.5 of 44.08 +/- acre parcels
Council district	1 Lindemann
Applicant	Mark Ullmer/Chaplin Spencer, ESP for DEDG, LLC and Mark Ullmer/Chaplin Spencer Esq. for Dennis Getter
Owners	Anne Springs Close, Ben Floyd & Edward Niven Family Trust
Location	Properties are located at 1890 highway 21 Bypass North in the Fort Mill community.
Staff:	Approval
Planning Commission:	Approval
Zoning Committee:	

5. Consider 2nd reading:

Tax Map 655-56

Zoning request:	RD II to BD-II
Acres:	1.095 +/- acres
Council district:	1 Lindemann
Applicant:	George Crouch
Owners:	Business Development of SC
Location:	Property is located at 1787 Pleasant Road in the Fort Mill community.
Staff:	Approval
Planning Commission:	Approval
Zoning Committee:	

6. Consider 1st reading:

Tax Map 565-169

Zoning request:	RUD to RUD-I
Acres:	3 +/- acres
Council district:	2 Cox
Applicant:	David Chapman
Owners:	Donald & Michele Broome
Location:	Property is located on Stateline Road and Hidden Oaks Lane in the Clover community.
Staff:	Approval
Planning Commission:	Approval
Zoning Committee:	

7. Consider giving 3rd reading to an ordinance entitled, "TO AMEND THE YORK COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE AND OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF YORK COUNTY, SOUTH CAROLINA, BY REZONING THE REMAINDER OF A TRACT CONTAINING APPROXIMATELY 5.780 ACRES, MORE OR LESS, OWNED BY RUBY JANE NICHOLS LOCATED AT THE INTERSECTION OF BLACK HIGHWAY AND MCGILL ROAD WEST OF THE CITY OF YORK, IDENTIFIED AS TAX MAP NO. 156-00-00-008, OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF

YORK COUNTY BY CHANGING SAID PROPERTY FROM A PLANNED DEVELOPMENT (PD) AND AGRICULTURAL (AGC) ZONING CLASSIFICATION TO A BUSINESS DEVELOPMENT III (BDIII) ZONING CLASSIFICATION.”

8. Consider giving 3rd reading to an ordinance to amend SECTION 70.25 OF THE YORK COUNTY CODE ADOPTED NOVEMBER 3, 2008, BY ORDINANCE NO. 6008, DATED NOVEMBER 3, 2008, BY DELETING THE REQUIREMENT FOR LIABILITY INSURANCE FOR OFF-HIGHWAY VEHICLES UNLESS THE STATE OF SOUTH CAROLINA ADOPTS LEGISLATION REQUIRING SUCH INSURANCE; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Executive Session: Condemnations and Contractual/Legal Advisement

New Business

1. Consider giving 1st reading to an ordinance entitled, “TO AMEND SECTION 56.68 OF THE YORK COUNTY CODE OF ORDINANCES TO PROHIBIT OPEN BURNING OF WASTE, DEBRIS, TRASH, STUMPS, TREE BRANCHES, LAND CLEARING WASTE AND DEBRIS AND HAZARDOUS WASTE IN OR WITH RESPECT TO NEW COMMERCIAL, INDUSTRIAL AND CERTAIN RESIDENTIAL DEVELOPMENTS IN THE UNINCORPORATED AREA OF YORK COUNTY EXCEPT AS PROVIDED HEREIN; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF NEW SECTION 56.68 OF THE YORK COUNTY CODE OF ORDINANCES; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS CODE; TO PROVIDE ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF COUNTY CODES AND ORDINANCES; TO PROVIDE EXCEPTIONS FROM THE APPLICATION OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.”
2. Consider 1st reading of an ordinance to amend the County’s Planning and Development Ordinance, Lake Wylie Buffer provisions.
3. Consider Contract Amendment No. 10 with ESP Associates, P.A. for additional surveying and mapping services for the 1997 and 2003 York County Capital Projects Sales and Use Tax Programs for location surveys, aerial photography, subsurface utility engineering, right-of-way staking, GPS control, and wetland surveys
4. Consider Additional Services Agreement with Florence & Hutcheson, Inc. (F&H) for providing Project Coordination Services for Project 03-001: Mount Gallant Road (Anderson Road to Celanese Road), as part of the 2003 Capital Projects Sales and Use Tax Program
5. Consider Additional Services Agreement with Florence & Hutcheson, Inc. (F&H) for providing Project Coordination Services for Project 03-007: SC Route 274 Intersections, as part of the 2003 Capital Projects Sales and Use Tax Program

6. Consider permission to operate the Summer Feeding Program for 2009 in cooperation with the South Carolina Department of Social Services
7. Consider award of services contract with Jordan Jones and Goulding for the creation of a unified development ordinance for the county and a revised transportation element for the Comprehensive Plan
8. Consider approving the grant application, and acceptance if awarded for Demand Response Services - FTA 5311 funds
9. Consider authorizing a resolution ordering a Special Election to be held on May 2, 2009 for the purpose of approving the creation of a Special Tax District designated as Bethel Rural Fire District, the nature of the services to be rendered therein, and the maximum level of taxes which may be levied and collected to provide for the operation and maintenance of the proposed Bethel Rural Fire District.
10. Discussion on extending County Council terms of office from 2-year terms to 4-year staggered terms beginning with a transition at the 2010 elections.

Consent Agenda

<u>Item</u>	<u>Action</u>
a. Approve minutes of January 5, 2009 Special Called Council Meeting	Approve as written
b. Approve minutes of January 5, 2009 Council Meeting	Approve as written

Those wishing to appear not on the agenda

Adjourn