

# Agenda

## York County Council

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

Monday, August 18, 2008

6:00 p.m.

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

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

### Oath of Office for newly appointed Board and Commission Members

John Roberts - Rock Hill-York County Airport Commission  
Wilbert Holmes - Olde English District Commission  
Charles Peers - Lake Wylie Marine Commission  
Andrew Watson - Clover Medical Facility Commission  
Jim Hayes - Clover Medical Facility Commission  
Carmenette Young - Employee Grievance Committee  
Allen Tice - Employee Grievance Committee  
Tammy Carter - Employee Grievance Committee

### Appearances

Sabrina Gast - Interim Coroner

Margie Sippel - Clemson Extension 4-H Event

Grazier Rhea - York County assessment needs

Mary Connolly - Waste to Energy/Burn Incinerators

Alicia Schwartz -Tethering Ordinance for dogs

Virgina Faircloth - Enforcing illegal immigration at the county level

### Public Hearings

1. Public Hearing and consider 1<sup>st</sup> reading:  
Tax Map 252-55

Zoning request	RUD to BD-III
Acres	1.28 +/-
Council district	3 (Cox)
Applicant	Wayne Wingate
Owners	Frederick & Catherine Gusmer

Location	Property is located at 1860 Black Highway in the York community
Staff	Denial
Planning Commission	Denial

2. Public Hearing and consider 1<sup>st</sup> reading:  
Tax Map 680-32

Zoning request	BD-III to RUD
Acres	1.52 +/-
Council district	5 (Chappell)
Applicant	William White, PoA
Owners	Mary White
Location	Property is located 1999 Barringer Road in the Rock Hill community
Staff	Approval
Planning Commission	Approval

3. Public Hearing and consider 1<sup>st</sup> reading:  
Tax Map 391-8, 82, 289-29, 352-4, 46

Zoning request	RUD to RC-I
Acres	177 +/-
Council district	3 (Cox)
Applicant	Randy Austin and Debbie Ruth
Owners	Austin-Ruth, LLC
Location	Properties are located at 1450 Pioneer Road and 1550 Charlotte Highway in the York community
Staff	Approval
Planning Commission	Approval

4. Public Hearing and consider 3<sup>rd</sup> reading of an ordinance entitled, "TO AMEND SECTION 31.01 OF THE YORK COUNTY CODE OF ORDINANCES RELATING TO RATES, FEES, AND CHARGES FOR CERTAIN ZONING FUNCTIONS, INCLUDING APPLICATIONS FOR COMMUNICATION TOWERS, SIGN PERMITS, ZONING COMPLIANCES FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT, SITE PLAN REVIEW AND SITE PLAN RE-SUBMITTAL REVIEWS; TO AMEND SECTION 1: CHARTS, DRAFTS, FIGURES, AND SCHEDULES OF THE YORK COUNTY SUBDIVISION CODE RELATING TO RATES, FEES, AND CHARGES FOR PRELIMINARY PLAT REVIEWS, FINAL PLAT REVIEWS, REVISIONS TO AN APPROVED PLAT, AND PLAT APPROVALS FOR INDIVIDUAL LOTS AND SUBDIVISIONS; TO AMEND SECTION 31.01 OF THE YORK COUNTY CODE OF ORDINANCES, RELATING TO RATES, FEES, AND CHARGES FOR ADMINISTRATION OF YORK COUNTY BUILDING CODES: COMMERCIAL BUILDING PLANS REVIEW, BUILDING INSPECTION AND PRE-INSPECTION, AND MOBILE HOME RETIREMENT OF TITLE CERTIFICATES; TO AMEND SECTION 31.01 PF THE YORK COUNTY CODE OF ORDINANCES AND COUNTY ORDINANCES BY INCREASING THE FEES FOR REZONING APPLICATIONS, SINGLE PARCEL, REZONING APPLICATIONS, MULTIPLE PARCELS, REZONING APPLICATIONS FOR PLANNED DEVELOPMENTS AND CERTAIN OTHER APPLICATIONS, PROCEDURES AND SERVICES PROVIDED BY THE YORK COUNTY AGENCIES AND DEVELOPMENT SERVICES PROVIDED BY THE YORK COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, AND OTHER COUNTY AGENCIES AND DEPARTMENTS; TO

PROVIDE FOR A PUBLIC HEARING; TO DECLARE THAT PROVISIONS OF THIS ORDINANCE ARE SEVERABLE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

5. Public Hearing and consider 3<sup>rd</sup> reading of an ordinance entitled, "AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN CRESCENT RESOURCES, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AS MORE PARTICULARLY DEFINED IN SUCH DEVELOPMENT AGREEMENT AND YORK COUNTY, SOUTH CAROLINA, A POLITICAL SUBDIVISION OF THE STATE OF SOUTH CAROLINA FOR THE DEVELOPMENT OF APPROXIMATELY FOUR HUNDRED SIXTY-TWO (462) ACRES, MORE OR LESS, LOCATED ON LAND ON OR NEAR S. C. ROUTE 152 AND S. C. ROUTE 49, YORK COUNTY, SOUTH CAROLINA, MORE PARTICULARLY DESCRIBED IN SUCH DEVELOPMENT AGREEMENT PURSUANT TO THE SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT, S.C. CODE ANN. § 6-31-10 ET SEQ.; TO DEFINE THE TERMS USED IN SUCH DEVELOPMENT AGREEMENT; TO APPROVE THE TERMS, PROVISIONS AND CONDITIONS OF SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR AND PRESCRIBE THE MATTERS WHICH MUST BE ADDRESSED AND INCLUDED IN SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR ZONING, VESTED RIGHTS AND FEES UNDER SUCH DEVELOPMENT AGREEMENT; TO PROVIDE THE TERM OF AND AMENDMENTS TO SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR THE PROVISION OF PUBLIC FACILITIES AND SERVICES; TO PROVIDE FOR THE ASSUMPTION OF RESPONSIBILITY AND LIABILITY FOR LOSSES, EXPENSES, DEMANDS AND CLAIMS; TO PRESCRIBE A DEVELOPMENT SCHEDULE FOR THE DEVELOPMENT OF THE PROPERTY DESCRIBED IN SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR THE ISSUANCE OF DEVELOPMENT PERMITS AND OTHER APPROVALS; TO REQUIRE THE DEDICATION OF LAND FOR PUBLIC PURPOSES, THE RESERVATION OF LAND FOR CIVIC USES AND AMENITIES; TO PROVIDE FOR ARCHITECTURAL AND ZONING ADMINISTRATOR REVIEWS; TO REQUIRE PERIODIC REVIEW TO ASSESS COMPLIANCE WITH THE TERMS AND PROVISIONS OF SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR THE AMENDMENT, MODIFICATION, CANCELLATION OR TERMINATION OF SUCH DEVELOPMENT AGREEMENT; TO PROVIDE FOR PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

#### Old Business

Report from Zoning Committee Chairman, Curwood Chappell, regarding the following rezoning requests (Meeting on August 18, 2008 at 5:30pm)

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

**Tax Map 067-14**

Zoning request	AGC to RUD
Acres	13.24 +/-
Council district	3 (Cox)
Applicant	Tina Dennis
Owner(s)	Sandra D. Schmidt
Location	Property is located at 1826 Legion Road in the Hickory Grove community
Staff	Approval
Planning Commission	Approval

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

**Tax Map 390-30**

Zoning request	RC-1 to RUD
Acres	9.3 +/-
Council district	2 (Smith)
Applicant	Judy B. Wood
Owner(s)	Judy B. Wood
Location	Property is located at 2514 Wood Road in the York community
Staff	Approval
Planning Commission	Approval

3. Consider 3<sup>rd</sup> reading:  
**Tax Map 559-21**

Zoning request	RUD to PD
Acres	462.59 +/-
Council district	2 (Smith)
Applicant	Crescent Resources, LLC
Owners	Crescent Resources, LLC
Location	Property is located at Highway 557 & Highway 49 in the Lake Wylie community
Staff	Approve with the condition that a final TIA be submitted and approved prior to 3 <sup>rd</sup> reading
Planning Commission	Approve with the condition recommended by staff
Zoning Committee	Approve with the condition that the final and complete TIA be submitted, reviewed, accepted and fully incorporated into the DA and PD prior to third reading.

4. Consider 3<sup>rd</sup> reading:  
**Tax Map 282-23, 127**

Zoning request	AGC to RUD-I
Acres	14 +/-
Council district	2 (Smith)
Applicant	G. Franklin Pendleton, II
Owners	Randy & Joe Adams
Location	Property is located at 1463 Lawrence Road in the Clover community
Staff	Approval
Planning Commission	Approval
Zoning Committee	Approval

5. Consider 3<sup>rd</sup> reading:  
**Tax Map 307-1**

Zoning request	AGC to AGC-I
Acres	171.9 +/-
Council district	5 (Chappell)

Applicant	Tim Helline/Joe Metker
Owners	Parson LLC/Dave Decker
Location	Property is located at Simpson and Parsons Road in the McConnells community
Staff	Approval
Planning Commission	Approval
Zoning Committee	Approval

6. Consider 2<sup>nd</sup> reading of an ordinance entitled "TO AMEND CHAPTER 33 OF THE YORK COUNTY CODE ENTITLED 'PERSONNEL' IN CERTAIN PARTICULARS IN ORDER TO PROVIDE FOR THE MORE ORDERLY ADMINISTRATION OF PERSONNEL CODES AND ORDINANCES BY YORK COUNTY; TO AMEND SECTION 33.018 OF THE YORK COUNTY CODE, RELATING TO PAY, IN CERTAIN PARTICULARS, TO AMEND SECTION 33.024 OF THE YORK COUNTY CODE RELATING TO DISCIPLINARY MEETINGS AND ATTENDANCE, INVESTIGATIONS, HEARINGS, AND TRIALS, SUSPENSION, ETC; TO AMEND SECTION 33.053 OF THE YORK COUNTY CODE RELATING TO COMPENSATORY LEAVE; TO AMEND SECTION 33.066 OF THE YORK COUNTY CODE RELATING TO STANDARD HEALTH/DENTAL INSURANCE FOR EMPLOYEES AND RETIRED EMPLOYEES; TO AMEND SECTION 33.072 OF THE YORK COUNTY CODE RELATING TO SICK LEAVE; TO AMEND SECTION 33.078 OF THE YORK COUNTY CODE, RELATING TO FAMILY AND MEDICAL LEAVE IN CERTAIN PARTICULARS; TO PROVIDE FOR A PUBLIC HEARING; TO PROVIDE FOR THE AMENDMENT OF INCONSISTENT SECTIONS OF COUNTY CODES AND ORDINANCES; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.
  
7. Consider 2<sup>nd</sup> reading of an ordinance entitled, "AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$45,000,000 GENERAL OBLIGATION BONDS OF 2008 OF YORK COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO"

**Executive Session: Condemnations and Legal Issue**

**New Business**

1. CONSIDER A RESOLUTION REGARDING THE ESTABLISHMENT OF A POLICY TO GUIDE AMENDMENTS TO THE URBAN SERVICES BOUNDARY, A FEATURE OF THE 2025 LAND USE MAP.
  
2. Consider approval of application for Community Rating System for a reduction in flood insurance rates to citizens in flood zones
  
3. Consider amendment to the agreement with Armstrong Glen for design phase services related to the Guyon Moore Creek bridge replacement at Goose Hollow Road.

4. Consider approval of agreement with the City of Rock Hill for right-of-way services and property acquisition related to Project 97-009: Cherry Road Improvements as part of the 1997 Capital Projects Sales and Use Tax Program.
5. Consider award of contract for construction of Project 03-002: Phase II Intersection Improvements
6. Consider approval of agreement with U.S. Cost Inc. for providing independent construction cost estimating services for the 1997 and 2003 York County Capital Projects Sales and Use Tax Programs.
7. Consider approval of agreement with MBP Construction Engineering Inc. for providing independent construction cost estimating services for the 1997 and 2003 York County Capital Projects Sales and Use Tax Programs.
8. Consider approval of agreement with Crider Associates for providing independent right-of-way cost estimating services for the 1997 and 2003 York County Capital Projects Sales and Use Tax Programs
9. Consider 1<sup>st</sup> reading of an ordinance to create a Capital Project Sales Tax Act Commission
10. Consider 1<sup>st</sup> reading of an All Terrain Vehicle (ATV) Ordinance
11. Consider request for rejection of all bids for the Furniture, Fixture, & Equipment (FF&E) for the New Prison
12. Consider lease agreement extension for Heckle Dry Cleaners
13. Consider authorizing an agreement with the City of York to allow County Magistrate Lynne H. Benfield to serve as the York Municipal Judge
14. Consider authorizing an agreement with the City of Tega Cay to allow County Magistrate David Wood to serve as the Tega Cay Municipal Judge

15. Consider authorizing an agreement with the Town of Clover to allow County Magistrate Herman Melvin Howell, Sr. to serve as the Clover Municipal Judge
  
16. Consider recommended appropriation from the York County Hospitality Tax Advisory Committee
  
17. Consider approval of a proposal for a certified addictions counselor to provide group therapy and didactic presentations to drug court clients for the Solicitor's Office
  
18. Consider approval of a proposal for an additional counselor to provide 24 hours of general counseling services per week to the Adult Drug Court Program for the Solicitor's Office
  
19. Consider approval of a proposal for RFP#1808 for a New Data Storage Area Network Array System and Server Virtualization Software for the Management Information System Department
  
20. Consider authorizing staff that participates in fire fighting activities of the Department of Fire Safety to participate in the Police Officer's Retirement System.
  
21. Consider 1<sup>st</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, 2008, ETC"; TO APPROPRIATE NEWPORT FIRE DISTRICT FUND BALANCE TO PROVIDE APPROPRIATIONS FOR A USED SERVICE TRUCK, TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR MATTERS RELATING THERETO.

## Committee Report

Planning & Economic Development Committee - Roy Blake, Chairman  
*(Meeting on August 18, 2008 at 5:00pm)*

## Consent Agenda

<u>Item</u>	<u>Action</u>
a. Approve minutes of July 21, 2008 Council Meeting	Approve as written
b. Finance & Operations of July 21, 2008 Committee Meeting	Approve as written

- c. Design recommendation for Project 03-014: Ebinport Road (Cherry Road to India Hook Road) as part of the 2003 Capital Projects Sales and Use Tax Program.

Those wishing to appear not on the agenda

Adjourn